



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 4. ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Office of Administrative Hearings, Pacific Ocean Room 2nd Floor, 320 West Fourth Street, Los Angeles, California, 90013 at 10:00 am, on Thursday, January 27, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office at 1424 Howe Avenue, Suite 33, Sacramento, California, 95825 not later than 5:00 p.m. on January 27, 2005 or must be received by the commission at the hearing. Written comments may also be faxed to this phone number (916) 263-2197 or e-mailed to this e-mail address Sal_Barajas@dca.ca.gov. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18705, 18706 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal,

regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Section 711

The existing regulation specifies that amateur kickboxers and martial arts fighters may wear headgear during a contest or match.

The proposed amendment would make the regulation consistent with statute by requiring amateur kickboxers and amateur martial arts fighters under the age of 18 to wear headgear during a contest or match.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: The commission estimates that cost impact of the proposed regulation on a representative private person to be \$40.00 per headgear. A major retail establishment charges \$40.00 per headgear. Currently all amateur boxing and martial arts fighters wear headgear when sparring otherwise referred to as training in the gym to prevent cuts and injuries. Given that each amateur and for that matter professional fighters wear headgear when training there is no "real" additional costs to the fighters.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations may not affect small businesses. This regulation will affect private persons such as amateur kickboxers and amateur martial arts fighters. Fighters are responsible for purchasing their own boxing and martial arts fighting gear. (e.g., shoes, trunks, socks, etc.). However, this regulatory change does not create any "real" additional costs to amateur martial arts fighters.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 1424 Howe Avenue Suite 33, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Names: Sal Barajas
Address: 1424 Howe Avenue, Suite 33
Sacramento, California, 95825
Telephone No: (916) 263-2195
Fax No: (916) 263-2197
E-Mail Address: Sal_Barajas@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Sal Barajas at (916) 263-2195.

The backup person for Sal Barajas is as follows:

Names: Frank Munoz
Address: 1424 Howe Avenue, Suite 33
Sacramento, California, 95825

Telephone No: (916) 263-2195
Fax No: (916) 263-2197
E-Mail Address: Frank_Munoz@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.dca.ca.gov/csac.

TITLE 4. ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Office of Administrative Hearings, Pacific Ocean Room 2nd Floor, 320 West Fourth Street, Los Angeles, California, 90013 at 10:00 am, on Thursday, January 27, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office at 1424 Howe Avenue, Suite 33, Sacramento, California, 95825 not later than 5:00 p.m. on January 27, 2005 or must be received by the commission at the hearing. Written comments may also be faxed to this phone number (916) 263-2197 or e-mailed to this e-mail address Sal_Barajas@dca.ca.gov. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Section: 500; 501; 502; 510; 513; 514; 520; 522; 530; 531; 533

Adopt Sections: 503; 512; 515; 516; 517; 518; 523; 524

Repeal Sections: 521

Currently there are no regulations in place that address full contact mixed martial arts or "submission fighting". This proposal would adopt regulatory language for full contact mixed martial arts type fighting. This proposal also sets out separate provisions for mixed martial arts and updates the kickboxing regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Promoters and other mixed martial arts participants such as martial arts fighters, judges, referees and physicians would have the opportunity to earn additional income from the regulation of mixed martial arts as it would become a legal sport.

Impact on Jobs/New Businesses: The commission has determined that this regulatory proposal by making mixed martial arts legal in the State of California will expand upon existing opportunities for martial arts fighters and create more jobs and businesses in the State of California.

Cost Impact on Representative Private Persons or Business: Licensees involved in mixed martial arts sport would pay licensing fees to the State of California. A 5% gross gate tax or a minimum of \$1,000 for a professional match would be assessed on each promoter who promotes an event. The licensee fees are currently required of all individuals licensed by the State of California and the 5% or \$1,000 minimum tax is the current practice for all professional level events held in California. The potential jobs afforded the fighters and the revenues that promoters will realize far outweigh the costs incurred by any individual or business.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations may affect small businesses. Licensed promoters would be required to obtain a license from the commission in order to legally hold a mixed martial arts event in California. Individuals wishing to compete in the legalized mixed martial arts events would need to pay a license application fee to procure a license to compete. The potential jobs afforded the fighters and the revenues that promoters will realize far outweigh the costs incurred by any individual or business.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

If the mixed martial arts regulations are not adopted, mixed martial arts also known as submission fighting will continue to exist in a covert manner, and it will continue to be unregulated where there is no structure or rules governing these fights. This would result in persons not having the appropriate knowledge or expertise in the martial arts field to properly referee or judge these fights and would subject the fighters to serious injuries or perhaps even death.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The California State Athletic Commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

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INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Section 354

The existing regulation specifies that ten seconds before the beginning and ending of each round the timekeeper should give warning to the seconds (corner) of the contestants by suitable signal.

The proposed amendment would reduce the ten second warning at the end of the round to a five second warning.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This determination is based on the fact that the proposed regulatory change only impacts the technical aspects of the sport.

AND

The following studies/relevant data were relied upon in making the above determination:

The Commission polled other state athletic commissions and the majority of responses favored the five-second rule.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this regulation.

Impact on Jobs/New Businesses: The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination is based on the fact that the proposed regulatory change only impacts the technical aspects of the sport.

Cost Impact on Representative Private Persons or Business: The commission is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with this regulation. This determination is based on the fact that the proposed regulatory change only impacts the technical aspects of the sport.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations may not affect small businesses. This regulation will affect no one. This determination is based on the fact that the proposed regulatory change only impacts the technical aspects of the sport.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

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Telephone No: (916) 263-2195
Fax No: (916) 263-2197
E-Mail Address: Frank_Munoz@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.dca.ca.gov/csac.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

Chapter 8, Subchapter 2
Office of Self Insurance Plans

NOTICE OF PROPOSED RULEMAKING November 30, 2004

Notice is hereby given that the Director of the Department of Industrial Relations proposes to permanently adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Director of the Department of Industrial Relations adopted on an emergency basis on July 6, 2004 amendments to sections 15220, 15220.1,

15220.3, and 15220.4 of Title 8 of the California Code of Regulations in order to implement, interpret and make specific Labor Code Section 3701.8, relating to new alternative composite deposit program for private self insurers of workers' compensation liabilities. The Director then re-adopted the amendments effective November 3, 2004. The Director is now accepting written comments on the regulations.

The Department has not scheduled a formal public hearing on this proposed action. However, the Director will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Office of Self Insurance Plans. The written comment period closes at 5:00 p.m. on January 24, 2005. The Department will consider only comments post marked or received at the Office of Self Insurance Plans by that date. Submit comments to:

Mark Johnson, Manager
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825

AUTHORITY AND REFERENCE

Labor Code Sections 55 and 3702.10, authorizes the Director of Industrial Relations to adopt the proposed regulations, which would implement and make specific the provisions of Labor Code Sections 3700, 3701 and 3701.8.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Department of Industrial Relations proposes to amend existing sections 15220, 15220.1, 15220.3, and 15220.4 in Title 8 of the California Code of Regulations. These sections help to implement the new deposit program for qualified private self insurers known as the alternative composite deposit program. Labor Code Section 3701.8 requires self insured employers identified by the Office of Self Insurance Plans as eligible to participate in the program. The program requires the eligible self insurer to secure its worker's compensation liabilities through the Self Insurers Security Fund (Fund). The self insurer secures its liabilities through the payment of a deposit assessment to the Fund. A self insurer participating in the program is no longer required to post an individual security deposit for the portion of its liabilities covered by the Fund.

Existing Section 15220 established participation criteria in the alternative composite deposit program and provides that the Manager of Self Insurance Plan will identify each eligible private self insured employer as a fully participating member, a partially participating member, or as excluded from participation. All self insurers identified as eligible for the program are required to participate in the alternative composite deposit. The section allows the Self Insurers' Security Fund to request, and the Manager to approve, specific self insurers that may otherwise be included in the program be excluded. This proposal amends the section to allow the Security Fund to request, and the Manager to approve, that employers that are otherwise excluded from participation in the program be included. The existing section requires that when more than one credit rating exists for a self insured employer, the lowest credit rating will be used to determine eligibility. This proposal amends the section to require that the most recent, not the lowest, credit rating will be used.

Existing section 15220.1 identifies a method for evaluating the financial status of each private self insurer company without an annual independently, prepared financial statement or published credit rating and has established a new form, A4-7, Financial Summary, for rating the financial stability of that self insurer. The existing section requires the private self insurer to provide the financial information needed to evaluate the company. This proposal amends the section to eliminate the use of the form for supplying the financial information and allows the director to obtain the same financial information in a format that may be readily shared with the Security Fund in order to calculate the participating employers' assessments, and also allows the Director to require that the financial information be submitted electronically beginning in 2005. This proposal also amends the section to make specific authorization pursuant to Labor Code Section 3701.8(b)(5) for the Manager of Self Insurance Plans to share the financial information with the Security Fund.

Existing section 15220.3 established the Security Fund provisions for securing the liabilities covered by the Alternative Composite Deposit. This proposal amends the section to clarify that the Security Fund's own indebtedness is among the non-exclusive list of means of security instruments in the composite deposit. This proposal also amends the section to specify that the Security Fund shall submit the list of self insurers that it proposes to include in the composite deposit in whole or in part, and require each participating self insured employer to post its security deposit increase within 60 days of notification of an increase or by July 1 each year, whichever is sooner.

Existing Section 15220.4 specifies the manner of collection of deposit assessments from self insured employers and the manner in which portions of the assessments, the Default Loss Fund Fee, Excess Liability Protection Fee, and the Pre-Existing Deposit Shortfall Fee, are calculated. This proposal will amend the section to require that the most recent credit rating, not the lowest, will be used in calculating assessments, and that the Security Fund may issue supplemental assessments in case of the need for repayment of the Security Fund's indebtedness incurred as contemplated by Section 15220.3, or if the deposit requirement for a self insured employer increases after the initial assessment has been made.

DISCLOSURES REGARDING THE PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate

The Director of Industrial Relations has determined that the proposed regulations do not impose a mandate on local agencies or school districts or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California constitution."

Cost or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or schools are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Non-discretionary Costs or Savings Imposed on Local Agencies or School Districts

This proposal does not impose non-discretionary cost or savings imposed on local agencies or school districts.

Costs or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses

The department is not aware of any significant cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action. Individual private self insurers may find the new deposit assessment to be higher than current costs for providing individual security deposits. However, because of the need to increase the pre-existing deposit shortfall fund, the costs would have increased substantially even if the composite deposit program were not enacted. Even so, any cost increases should be offset by the release or reduction of individually posted security deposits to participating self insurers, thus making other assets available to those employers. In addition, the deposit assessments are expected to be reduced over time. Costs are determined by the Security Fund's Board of Trustees, not the Department of Industrial Relations, pursuant to Labor Code Section 3701.8.

Impact on Business

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

Small Business Impact

This regulation will have no adverse impact on small business because it does not impose any new requirements on employers nor does it amend any existing requirements impacting small business. In addition, small businesses are not affected by Self Insurance regulations, since small businesses cannot qualify for self insurance and the banks affected by these regulations are not defined as small businesses.

Assessment of Job/Business Creation or Elimination

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Director must determine that no reasonable alternative has been considered by the agency or has otherwise been identified and brought to it's attention that would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. No reasonable alternative has been brought to the attention of the Director that would be less effective or less burdensome to affected persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Mark Johnson, Manager
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825
916-483-3392
mjohnson@dir.ca.gov

The backup contact person for these inquiries is:

Tina Freese
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825
916-483-3392
tfreese@dir.ca.gov

Questions on the substance of the proposed regulation should be directed to Mr. Johnson.

Please direct requests for copies of the proposed text, the initial statement of reasons, the modified text of the regulations, if any, or any other rulemaking documents to Tina Freese at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Director of the Department may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Director regarding this proposal, the Director may determine that changes to the proposed regulation are appropriate. If the Director makes substantive modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Director adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Tina Freese at the above address. The Department will accept further written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Office of Self Insurance Plans at 2265 Watt Avenue, Suite 1, Sacramento, California 95825 during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the

regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Department is required to prepare a Final Statement of Reasons. Once the Department has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Department Contact Person identified in this Notice.

DEPARTMENT INTERNET WEBSITE

The Department maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://sip.dir.ca.gov>.

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

The Public Employment Relations Board (Board) proposes to adopt and amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt proposed new sections 32032, 32033, 32034, 32035, 32606, 32607, 32608, 32609, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180, 81185, 81190, 81200, 81210, 81220, 81240, 81250, 81260, 81270, 81300, 81310, 81320, 81350, 81360, 81370, 81380, 81400, 81410, 81420, 81450, 81460, 81470, 81480, 81600, 81610, 81620, 81630, 91000, 91005, 91010, 91020, 91030, 91040, 91050, 91055, 91060, 91065, 91070, 91075, 91080, 91090, 91100, 91105, 91110, 91115, 91120, 91125, 91130, 91135, 91140, 91145, 91150, 91155, 91160, 91165, 91170, 91175, 91180, 91185, 91190, 91200, 91210, 91220, 91240, 91250, 91260, 91270, 91300, 91310, 91320, 91350, 91360, 91370, 91380, 91400, 91410, 91420, 91450, 91460, 91470, 91480, 91600, 91610, 91620 and 91630, and amend sections 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32160, 32162, 32164, 32165, 32166, 32168, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220,

32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32646, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32980, 32990, 32991, 32992, 32993, 32994, 32995, 32996 and 32997.

Section 31001 provides for meetings of the Public Employment Relations Board. Section 32020 provides a definition for the term "Board." Section 32030 provides a definition for the term "Board itself." Proposed section 32032 adopts a definition of "Trial Court Act," the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.). Proposed section 32033 adopts definitions of terms applicable for cases filed under the Trial Court Act, the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.). Proposed section 32034 adopts a definition of "Court Interpreter Act," the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.). Proposed section 32035 adopts definitions of terms applicable for cases filed under the Court Interpreter Act, the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.). Section 32040 provides a definition for the term "Executive Director." Section 32050 provides a definition for the term "General Counsel." Section 32055 provides a definition for the term "Chief Administrative Law Judge." Section 32060 provides a definition for the term "headquarters office." Section 32075 provides a definition for the term "regional office." Section 32080 provides a definition for the term "day." Section 32085 provides definitions for the term "workday" under each of the statutes administered by PERB. Section 32090 provides for filing by facsimile machine. Section 32100 provides for when regulations contained in Chapter 1 apply to PERB proceedings. Section 32105 provides for the severability of PERB's regulations. Section 32120 provides for the filing of collective bargaining agreements. Section 32122 specifies in which "regional office" certain representation filings should be made. Section 32130 addresses the computation of time for filing. Section 32132 concerns the requirements for an extension of time in which to file documents with the Board. Section 32135 concerns filing requirements. Section 32136 concerns late filing requirements. Section 32140 concerns service requirements. Section 32142 concerns designation of recipients for service and filing. Section 32145 concerns waiver of time period requirements for filing. Section 32147 provides for expediting matters before the Board. Section 32149 concerns issues of investigative subpoenas. Section

32150 concerns issuance of subpoenas. Section 32155 concerns circumstances under which a Board agent or Board member will be disqualified to hear a case. Section 32160 concerns the taking of depositions. Section 32162 concerns the confidentiality of Board investigations. Section 32164 concerns an application for joinder. Section 32165 concerns applications to join a representation hearing as a limited party. Section 32166 concerns applications to join a representation hearing as a full party. Section 32168 concerns the conduct of hearings. Section 32170 concerns the powers and authority of a Board agent conducting a hearing. Section 32175 concerns the rules of evidence in a representation case. Section 32176 concerns the rules of evidence in unfair practice cases. Section 32178 concerns the burden of proof in unfair practice cases. Section 32180 addresses the rights of parties in PERB hearings. Section 32185 concerns ex parte communications with Board agents. Section 32190 concerns filing and rulings on motions. Section 32200 concerns the appeal of rulings on motions and other interlocutory matters. Section 32205 concerns requests for continuances. Section 32206 concerns the production of statements of witnesses after testimony. Section 32207 concerns the stipulation of facts for purposes of hearings. Section 32209 addresses the procedure for correction of hearing transcripts. Section 32210 concerns the filing of informational briefs. Section 32212 concerns briefs and oral argument. Section 32215 concerns issuance of proposed decisions. Section 32220 concerns contemptuous conduct by a party or a party's agent. Section 32230 concerns the refusal of a witness to testify. Section 32295 concerns ex parte communications with members of the Board itself, or legal advisers to Board members. Section 32300 concerns the filing of exceptions to Board agent decisions. Section 32305 provides that proposed decisions become final if no timely exceptions are filed. Section 32310 provides for the filing of responses to exceptions. Section 32315 provides for oral argument on exceptions. Section 32320 concerns issuance of decisions by the Board itself. Section 32325 concerns the remedial powers of the Board. Section 32350 provides a definition of administrative decisions. Section 32360 concerns requirements for appeals of administrative decisions. Section 32370 concerns requests for a stay. Section 32375 provides for responses to administrative appeals. Section 32380 provides for administrative decisions that are not appealable. Section 32400 provides that a motion for reconsideration is not required in order to exhaust administrative remedies. Section 32410 provides for the filing of requests for reconsideration. Section 32450 concerns the filing of requests for injunctive relief. Section 32455 concerns the investigation of requests for injunctive relief. Section 32460 provides

for recommendations by the General Counsel concerning requests for injunctive relief. Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief. Section 32470 addresses the authority of the General Counsel concerning requests for injunctive relief where a quorum of the Board itself is unavailable. Section 32500 provides for requests for judicial review concerning representation cases. Section 32602 provides for the processing of unfair practice charges. Section 32605 concerns the number of copies of unfair practice charges required for filing. Proposed section 32606 defines employer unfair practices under the Trial Court Governance and Employment Protection Act (Trial Court Act). Proposed section 32607 defines employee organization unfair practices under the Trial Court Governance and Employment Protection Act (Trial Court Act). Proposed section 32608 defines employer unfair practices under the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act). Proposed section 32609 defines employee organization unfair practices under the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act). Section 32612 specifies in which "regional office" unfair practice charge filings should be made. Section 32615 concerns the information required to be included in an unfair practice charge. Section 32620 concerns the processing of unfair practice charges, including the Board's policy on deferral to arbitration. Section 32621 concerns the amending of unfair practice charges. Section 32625 concerns the withdrawal of unfair practice charges. Section 32630 concerns the dismissal of unfair practice charges. Section 32635 provides for the appeal of dismissals of unfair practice charges. Section 32640 concerns the issuance of complaints in unfair practice charge cases. Section 32644 provides for the filing of an answer in unfair practice charges where a complaint issues. Section 32645 concerns non-prejudicial errors in unfair practice charges and related documents. Section 32646 concerns defenses to complaints issued in unfair practice charge cases. Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing. Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing. Section 32649 concerns the filing of answers to amendments to complaints in unfair practice charge cases. Section 32650 concerns the conduct of informal settlement conferences in unfair practice charge cases. Section 32661 concerns the filing of repugnancy claims regarding unfair practice charge cases deferred to arbitration. Section 32680 concerns the conduct of hearings on unfair practice charges. Section 32690 concerns notice of hearing in unfair practice charge cases. Section 32980 provides for the enforcement of compliance with final decisions

of the Board. Section 32990 defines the term "agency fee" for purposes of these regulations and identifies the statutory provisions establishing agency fee under PERB's jurisdiction. Section 32991 concerns limits on the amount of "agency fee." Section 32992 describes requirements for notification to nonmembers regarding "agency fee." Section 32993 describes financial reporting requirements applicable to exclusive representatives that implement agency fees. Section 32994 concerns agency fee appeal procedure requirements. Section 32995 describes requirements concerning the escrow of agency fee amounts that are in dispute. Section 32996 provides for the filing of Agency Fee Appeals Procedures by exclusive representatives that receive agency fees. Section 32997 provides that violation of Sections 32990 through 32996 is an unfair practice. Proposed section 81000 concerns the application of regulations. Proposed section 81005 defines the term "parties" under proposed Chapter 7. Proposed section 81010 defines the term "window period" under proposed Chapter 7. Proposed section 81020 describes requirements for proof of support. Proposed section 81030 allows the withdrawal of a petition. Proposed section 81040 provides for the conduct of an informal settlement conference. Proposed section 81050 provides for a notice of hearing. Proposed section 81055 concerns the conduct of a hearing and the issuance of a proposed decision. Proposed section 81060 provides for the issuance of an administrative decision. Proposed section 81065 provides for elections and consent units. Proposed section 81070 concerns decisions of the Board itself. Proposed section 81075 provides for the issuance of a notice of decision. Proposed section 81080 concerns the conduct of elections and eligibility to appear on ballot. Proposed section 81090 provides for voluntary recognition. Proposed section 81100 concerns the authority to conduct elections. Proposed section 81105 concerns the ballot. Proposed section 81110 concerns directed election orders, consent election agreements and notices of elections. Proposed section 81115 addresses the issue of a voter list. Proposed section 81120 concerns voter eligibility. Proposed section 81125 concerns election observers. Proposed section 81130 concerns challenges to voter eligibility. Proposed section 81135 provides for a tally of ballots. Proposed section 81140 provides for the resolution of challenges to voter eligibility. Proposed section 81145 provides for runoff elections. Proposed section 81150 provides for the filing of objections to an election. Proposed section 81155 describes powers and duties of a Board agent concerning objections. Proposed section 81160 provides for the withdrawal of objections. Proposed section 81165 provides for hearings on objections and challenges. Proposed section 81170 addresses the filing of exceptions to a decision on objections or

challenges. Proposed section 81175 provides for a revised tally of ballots. Proposed section 81180 provides for objections to a revised tally of ballots. Proposed section 81185 provides for a certification of the results of an election or certification of exclusive representative. Proposed section 81190 concerns a request for stay of election. Proposed section 81200 concerns bars to the conduct of an election. Proposed section 81210 provides for the filing of a petition for certification. Proposed section 81220 concerns the posting of a notice of a petition for certification. Proposed section 81240 provides for the determination of proof of support for a petition. Proposed section 81250 provides for the employer response regarding a petition for certification. Proposed section 81260 concerns an amendment to a petition for certification. Proposed section 81270 concerns the investigation of a petition for certification. Proposed section 81300 provides for the filing of a petition for amendment of certification. Proposed section 81310 provides for the filing of an employer response to a petition for amendment of certification. Proposed section 81320 concerns the investigation of a petition for amendment of certification. Proposed section 81350 provides for the filing of a decertification petition. Proposed section 81360 concerns the posting of notice of a decertification petition. Proposed section 81370 addresses the proof of support determination for a decertification petition. Proposed section 81380 concerns the investigation and conduct of an election concerning a decertification petition. Proposed section 81400 provides for the filing of a severance petition. Proposed section 81410 concerns responses to severance petitions. Proposed section 81420 concerns the investigation of a severance petition. Proposed section 81450 provides for the filing of a unit modification petition. Proposed section 81460 provides for a response to a unit modification petition. Proposed section 81470 addresses the issue of proof of support submitted with a unit modification petition. Proposed section 81480 describes possible dispositions of unit modification petitions. Proposed section 81600 provides for the filing of a petition to rescind an agency shop agreement or provision. Proposed section 81610 concerns the proof of support determination for a rescission petition. Proposed section 81620 concerns the conduct of an election on a rescission petition. Proposed section 81630 describes when a bar to the filing of a rescission petition would exist. Proposed section 91000 concerns the application of regulations. Proposed section 91005 defines the term "parties" under proposed Chapter 8. Proposed section 91010 defines the term "window period" under proposed Chapter 8. Proposed section 91020 describes requirements for proof of support. Proposed section 91030 allows the withdrawal of a petition. Proposed section

91040 provides for the conduct of an informal settlement conference. Proposed section 91050 provides for a notice of hearing. Proposed section 91055 concerns the conduct of a hearing and the issuance of a proposed decision. Proposed section 91060 provides for the issuance of an administrative decision. Proposed section 91065 provides for elections and consent units. Proposed section 91070 concerns decisions of the Board itself. Proposed section 91075 provides for the issuance of a notice of decision. Proposed section 91080 concerns the conduct of elections and eligibility to appear on ballot. Proposed section 91090 provides for voluntary recognition. Proposed section 91100 concerns the authority to conduct elections. Proposed section 91105 concerns the ballot. Proposed section 91110 concerns directed election orders, consent election agreements and notices of elections. Proposed section 91115 addresses the issue of a voter list. Proposed section 91120 concerns voter eligibility. Proposed section 91125 concerns election observers. Proposed section 91130 concerns challenges to voter eligibility. Proposed section 91135 provides for a tally of ballots. Proposed section 91140 provides for the resolution of challenges to voter eligibility. Proposed section 91145 provides for runoff elections. Proposed section 91150 provides for the filing of objections to an election. Proposed section 91155 describes powers and duties of a Board agent concerning objections. Proposed section 91160 provides for the withdrawal of objections. Proposed section 91165 provides for hearings on objections and challenges. Proposed section 91170 addresses the filing of exceptions to a decision on objections or challenges. Proposed section 91175 provides for a revised tally of ballots. Proposed section 91180 provides for objections to a revised tally of ballots. Proposed section 91185 provides for a certification of the results of an election or certification of exclusive representative. Proposed section 91190 concerns a request for stay of election. Proposed section 91200 concerns bars to the conduct of an election. Proposed section 91210 provides for the filing of a petition for certification. Proposed section 91220 concerns the posting of a notice of a petition for certification. Proposed section 91240 provides for the determination of proof of support for a petition. Proposed section 91250 provides for the employer response regarding a petition for certification. Proposed section 91260 concerns an amendment to a petition for certification. Proposed section 91270 concerns the investigation of a petition for certification. Proposed section 91300 provides for the filing of a petition for amendment of certification. Proposed section 91310 provides for the filing of an employer response to a petition for amendment of certification. Proposed section 91320 concerns the investigation of a petition for amendment

of certification. Proposed section 91350 provides for the filing of a decertification petition. Proposed section 91360 concerns the posting of notice of a decertification petition. Proposed section 91370 addresses the proof of support determination for a decertification petition. Proposed section 91380 concerns the investigation and conduct of an election concerning a decertification petition. Proposed section 91400 provides for the filing of a severance petition. Proposed section 91410 concerns responses to severance petitions. Proposed section 91420 concerns the investigation of a severance petition. Proposed section 91450 provides for the filing of a unit modification petition. Proposed section 91460 provides for a response to a unit modification petition. Proposed section 91470 addresses the issue of proof of support submitted with a unit modification petition. Proposed section 91480 describes possible dispositions of unit modification petitions. Proposed section 91600 provides for the filing of a petition to rescind an agency shop agreement or provision. Proposed section 91610 concerns the proof of support determination for a rescission petition. Proposed section 91620 concerns the conduct of an election on a rescission petition. Proposed section 91630 describes when a bar to the filing of a rescission petition would exist.

PUBLIC HEARING

The Board will hold a public hearing at 10:00 a.m., on February 10, 2005, in Room 103 of its headquarters building, located at 1031 18th Street, Sacramento, California. Room 103 is wheelchair accessible. At the hearing, any person may orally present statements or arguments relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing. Any person wishing to testify at the hearing is requested to notify the Office of the General Counsel as early as possible by calling (916) 322-3198 to permit the orderly scheduling of witnesses and to permit arrangements for an interpreter to be made if necessary.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comment relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on February 4, 2005. Written comments will also be accepted at the public hearing. Submit written comments to:

Robert Thompson
General Counsel
Public Employment Relations Board
1031 18th Street Sacramento, CA 95184

FAX: (916) 327-6377
E-mail: RThompson@perb.ca.gov

AUTHORITY AND REFERENCE

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Meyers-Milias-Brown Act (MMBA). Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act). Government Code section 3563 authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act (HEERA). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Governance and Employment Protection Act (Trial Court Act). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act).

General reference for section 31001 of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3563, 71639.1 and 71825, Government Code, and Section 99561, Public Utilities Code. General reference for section 32020 of the Board's regulations: Sections 3501(f), 3509, 3513(h), 3540.1(a), 3541, 3562(b), 71639.1(a) and 71825(a), Government Code, and Section 99560.1(b), Public Utilities Code. General reference for section 32030 of the Board's regulations: Sections 3501(f), 3509, 3513(h), 3540.1(a), 3541, 3562(b), 71639.1(a) and 71825(a), Government Code, and Section 99560.1(b), Public Utilities Code. General reference for section 32032 of the Board's regulations: Section 71600, Government Code. General reference for section 32033 of the Board's regulations: Sections 70200 through 70219, 71601(h), (k) and 71636,

Government Code. General reference for section 32034 of the Board's regulations: Section 71800, Government Code. General reference for section 32035 of the Board's regulations: Sections 70200 through 70219, 71801(g), (h), 71807 and 71823, Government Code. General reference for section 32040 of the Board's regulations: Section 3541(f), Government Code. General reference for section 32050 of the Board's regulations: Section 3541(f), Government Code. General reference for section 32055 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3563(j), 71639.1 and 71825, Government Code, and Section 99561(j), Public Utilities Code. General reference for section 32060 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32075 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32080 of the Board's regulations: Sections 3509, 3541.3(n), 3563(m), 3513(h), 3541.3(g), 3563(f), 71639.1 and 71825, Government Code, and Section 99561(f), Public Utilities Code. General reference for section 32085 of the Board's regulations: Sections 3509, 3541.3(n), 3563(m), 3513(h), 3541.3(g), 3563(f), 71639.1 and 71825, Government Code, and Section 99561(f), Public Utilities Code. General reference for section 32090 of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for section 32100 of the Board's regulations: Sections 3507, 3507.1, 3507.5, 3508, 3509, 3513(h), 3541.3, 3563, 71636, 71636.3, 71637.1, 71639.1, 71823 and 71825, Government Code, and Section 99561, Public Utilities Code. General reference for section 32105 of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3563, 71639.1 and 71825, Government Code, and Section 99561, Public Utilities Code. General reference for section 32120 of the Board's regulations: Sections 3509, 3513(h), 3524, 3541.3(n), 3563(m), 3541.3(f), (g), 71639.1 and 71825 Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32122 of the Board's regulations: Sections 3509, 3541.3(n), 71639.1, 71807 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32130 of the Board's regulations: Sections 12, 12(a) and 1013(a), Code of Civil Procedure. General reference for section 32132 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section

32135 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32136 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code; and Sections 12, 12(a) and 1013, Code of Civil Procedure; and Section 99561(m), Public Utilities Code. General reference for section 32140 of the Board's regulations: Sections 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32142 of the Board's regulations: Sections 3501(c), 3513(j), 3541.3(n), 3563(m), 71601(k), 71639.1, 71801(h), 71807 and 71825, Government Code, and Section 99560.1(g), (h) Public Utilities Code. General reference for section 32145 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32147 of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1 and 71825, Government Code, and Section 99561(m), Public Utilities Code. General reference for section 32149 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32150 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32155 of the Board's regulations: Sections 3509, 3513, 3520, 3541.3, 3542, 3563, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code, and Sections 99561 and 99562, Public Utilities Code. General reference for section 32160 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32162 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32164 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32165 of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), (b), (h), (l), (m), (n), 3563(a), (c), (g), (k), (l), 71639.1 and 71825, Government Code, and Section 99561(a), (c), (g), (k), (l), Public Utilities Code. General reference for section 32166 of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), (b), (h), (l), (m), (n), 3563(a), (c), (g), (k), (l), 71639.1 and 71825, Government Code, and Section 99561(a), (c), (g), (k),

(l), Public Utilities Code. General reference for section 32168 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (k), 3563(g), (j), 71639.1 and 71825, Government Code, and Section 99561(g), (j), Public Utilities Code. General reference for section 32170 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (k), 3563(g), (j), 71639.1 and 71825, Government Code, and Section 99561(g), (j), Public Utilities Code. General reference for section 32175 of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), (b), (h), (l), (m), 3563(a), (c), (g), (k), (l), 71639.1 and 71825, Government Code, and Section 99561(a), (c), (g), (k), (l), Public Utilities Code. General reference for section 32176 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (i), 3563(g), (h), 71639.1 and 71825, Government Code, and Section 99561(g), (h), Public Utilities Code. General reference for section 32178 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (i), 3563(g), (h), 71639.1 and 71825, Government Code, and Section 99561(g), (h), Public Utilities Code. General reference for section 32180 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32185 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (i), and (n), 3563(g), (h) and (m), 71639.1 and 71825, Government Code, and Section 99561(g), (h) and (m), Public Utilities Code. General reference for section 32190 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32200 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32205 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32206 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32207 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32209 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32210 of the Board's regulations: Sections 3509, 3513(h), 3541.3 (a), (b), (e), (g), (h), (i), (l), (m), (n), 3563 (a), (b), (e), (f), (g), (h), (k), (l), (m), 71639.1 and 71825, Government

Code, and Section 99561, Public Utilities Code. General reference for section 32212 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32215 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32220 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32230 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1 and 71825, Government Code, and Section 99561(g), Public Utilities Code. General reference for section 32295 of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for section 32300 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32305 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32310 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32315 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32320 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(k), (n), 3563(j), (m), 3563.2, 11425.60, 71639.1 and 71825, Government Code, and Sections 99561(j), (m) and 99561.2, Public Utilities Code. General reference for section 32325 of the Board's regulations: Sections 3509, 3514.5(c), 3520, 3541.5(c), 3542, 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code, Section 99561(f), Public Utilities Code, and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for section 32350 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32360 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32370 of

the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32375 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32380 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32400 of the Board's regulations: Sections 3509, 3520, 3542, 3564, 71639.4 and 71825.1, Government Code, and Section 99562, Public Utilities Code. General reference for section 32410 of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), (n), 3563(j), (m), 71639.1 and 71825, Government Code, and Section 99561(j), (m), Public Utilities Code. General reference for section 32450 of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), 71639.1 and 71825, Government Code, and Section 99561(i), Public Utilities Code. General reference for section 32455 of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), 3563(i), 71639.1 and 71825, Government Code, and Section 99561(i), Public Utilities Code. General reference for section 32460 of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), (m), 71639.1 and 71825, Government Code, and Section 99561(i), (m), Public Utilities Code. General reference for section 32465 of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), (m), 71639.1 and 71825, Government Code, and Section 99561(i), (m), Public Utilities Code. General reference for section 32470 of the Board's regulations: Sections 3509, 3513(h), 3541(f), (g), 3541.3(j), (k), 3563(i), (j), 71639.1 and 71825, Government Code, and Section 99561(i), (j), Public Utilities Code. General reference for section 32500 of the Board's regulations: Sections 3509, 3520, 3542, 3564, 71639.4 and 71825.1, Government Code, and Section 99562, Public Utilities Code. General reference for section 32602 of the Board's regulations: Sections 3509, 3514.5, 3524, 3541.5, 3563.2, 71636, 71636.3, 71637.1, 71639.1, 71823 and 71825, Government Code, and Sections 99561(h) and 99561.2, Public Utilities Code. General reference for section 32605 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(i), 3541.5, 3563(h), 3563.2, 71639.1 and 71825, Government Code, and Sections 99561(h) and 99561.2, Public Utilities Code. General reference for section 32606 of the Board's regulations: Sections 71630 through 71639.5, Government Code. General reference for section 32607 of the Board's regulations: Sections 71636, 71636.3, 71637.1, 71639.1 and 71639.3, Government Code. General

reference for section 32608 of the Board's regulations: Section 71800 et seq., Government Code. General reference for section 32609 of the Board's regulations: Sections 71823 and 71825, Government Code. General reference for section 32612 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(i), 3541.5, 3563(h), 3563.2, 71639.1, 71807 and 71825, Government Code, and Sections 99561(h) and 99561.2, Public Utilities Code. General reference for section 32615 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32620 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code, and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for section 32621 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32625 of the Board's regulations: Sections 3509, 3513, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32630 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32635 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32640 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32644 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32645 of the Board's regulations: Sections 3509, 3514.5(a), 3541.5(a), 3563.2, 71639.1

and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32646 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32647 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32648 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(g), (h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32649 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Section 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32650 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32661 of the Board's regulations: Sections 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 3589, 71639.1 and 71825, Government Code, and Sections 99561(h), 99561.2, 99563.7, 99563.8 and 99567, Public Utilities Code. General reference for section 32680 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(g), (h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32690 of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3519, 3519.5, 3541.3(i), 3541.5, 3543.5, 3543.6, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 71639.1 and 71825, Government Code, and Sections 99561(g), (h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for section 32980 of the Board's regulations: Sections 3509, 3509.5, 3514.5(c), 3520, 3541.5(c), 3542, 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code, and Sections 99561.3 and 99562, Public Utilities Code, and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for section 32990 of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and

71814, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32991 of the Board's regulations: Sections 3502.5(a), 3513(k), 3540.1(i), 3543, 3546, 3583.5(a), 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32992 of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32993 of the Board's regulations: Sections 3502.5, 3515.7(e), 3546.5, 3584(b), 3587, 71632.5 and 71814, Government Code; Sections 99566.1 and 99566.3; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32994 of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32995 of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32996 of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 32997 of the Board's regulations: Sections 3502.5, 3515.7, 3519.5, 3540.1(i), 3542(d), 3543.6, 3543, 3546, 3546.5, 3563.2, 3564(d), 3571.1, 3583.5, 71632.5 and 71814, Government Code; Sections 99563.8, 99566.1 and 99566.3, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for section 81000 of the Board's regulations: Sections 3541.3, 71632.5, 71636, 71636.3, 71637, 71637.1 and 71639.1, Government Code. General reference for section 81005 of the Board's regulations: Sections 3541.3, 71632.5, 71636, 71636.3, 71637, 71637.1 and 71639.1, Government Code. General reference for section 81010 of the Board's regulations: Sections 3541.3, 6700, 6701, 71636, 71636.3, 71637, 71637.1 and 71639.1, Government Code. General reference for section 81020 of the Board's regulations: Sections 3541.3, 71632.5, 71636, 71636.3, 71637, 71637.1 and 71639.1, Government Code. General reference for section 81030 of the Board's regulations: Sections 3541.3, 71632.5, 71636, 71636.3, 71637, 71637.1 and

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3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91175 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91180 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91185 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91190 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91200 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91210 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91220 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91240 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91250 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91260 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91270 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91300 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91310 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91320 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91350 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91360 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91370 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91380 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91400 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91410 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91420 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91450 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91460 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section

91470 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91480 of the Board's regulations: Sections 3541.3, 71823 and 71825, Government Code. General reference for section 91600 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91610 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91620 of the Board's regulations: Sections 3541.3, 71814, 71823 and 71825, Government Code. General reference for section 91630 of the Board's regulations: Sections 3541.3, 71814 and 71825, Government Code.

POLICY STATEMENT OVERVIEW

Effective August 16, 2004, as a result of the enactment of Senate Bill 1102 (Chapter 227, Statutes of 2004), the Public Employment Relations Board (PERB or Board) acquired responsibility for the administration and enforcement of the Trial Court Governance and Employment Protection Act (found at Government Code section 71600 et seq.), covering trial courts and trial court employees) and the Trial Court Interpreter Employment and Labor Relations Act (found at Government Code section 71800 et seq.), covering trial courts, regional interpreter employment relations committees, and trial court interpreters. These new statutory enactments require extensive amendments to existing regulations as well as the adoption of new Chapters 7 and 8 in order to fully implement PERB's jurisdiction.

INFORMATIVE DIGEST

Section 31001 provides for meetings of the Public Employment Relations Board. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32020 provides a definition for the term "Board." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32030 provides a definition for the term "Board itself." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court

Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Proposed Section 32032 adopts a definition of "Trial Court Act," the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed Section 32033 adopts definitions of terms applicable for cases filed under the Trial Court Act, the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed Section 32034 adopts a definition of "Court Interpreter Act," the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed Section 32035 adopts definitions of terms applicable for cases filed under the Court Interpreter Act, the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Section 32040 provides a definition for the term "Executive Director." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32050 provides a definition for the term "General Counsel." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32055 provides a definition for the term "Chief Administrative Law Judge." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32060 provides a definition for the term "headquarters office." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32075 provides a definition for the term "regional office." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32080 provides a definition for the term "day." The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32085 provides definitions for the term "workday" under each of the statutes administered by PERB. Proposed new subsections (f) and (g) provide a "workday" definition under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32090 provides for filing by facsimile machine. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32100 provides for when regulations contained in Chapter 1 apply to PERB proceedings. Proposed new subsections (d) and (e) provide for the application of these regulations in matters arising under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32105 provides for the severability of PERB's regulations. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32120 provides for the filing of collective bargaining agreements. Proposed new language provides for the application of this section to employers under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32122 currently specifies in which “regional office” representation filings should be made, except for filings under the Ralph C. Dills Act (Government Code section 3512 et seq.) and the Higher Education Employer-Employee Relations Act (Government Code section 3560 et seq.). Proposed new language, and revisions to authority and reference citations, provide for application of this section to both the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004), and to clarify its application under the Court Interpreter Act.

Section 32130 addresses the computation of time for filing. Proposed new language provides for the application of this section to parties under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32132 concerns the requirements for an extension of time in which to file documents with the Board. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32135 concerns filing requirements. Proposed new language provides for the application of this section to parties under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32136 concerns late filing requirements. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32140 concerns service requirements. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32142 concerns designation of recipients for service and filing. The proposed changes amend the text, as well as authority and reference citations, to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32145 concerns waiver of time period requirements for filing. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32147 provides for expediting matters before the Board. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32149 concerns issuance of investigative subpoenas. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32150 concerns issuance of subpoenas. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32155 concerns circumstances under which a Board agent or Board member will be disqualified to hear a case. The proposed changes amend the text, as well as authority and reference citations, to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32160 concerns the taking of depositions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32162 concerns the confidentiality of Board investigations. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32164 concerns an application for joinder. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32165 concerns applications to join a representation hearing as a limited party. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor

Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32166 concerns applications to join a representation hearing as a full party. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32168 concerns the conduct of hearings. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32170 concerns the powers and authority of a Board agent conducting a hearing. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32175 concerns the rules of evidence in a representation case. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32176 concerns the rules of evidence in unfair practice cases. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32178 concerns the burden of proof in unfair practice cases. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32180 addresses the rights of parties in PERB hearings. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32185 concerns ex parte communications with Board agents. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32190 concerns filing and rulings on motions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32200 concerns the appeal of rulings on motions and other interlocutory matters. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32205 concerns requests for continuances. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32206 concerns the production of statements of witnesses after testimony. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor

Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32207 concerns the stipulation of facts for purposes of hearings. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32209 addresses the procedure for correction of hearing transcripts. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32210 concerns the filing of informational briefs. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32212 concerns briefs and oral argument. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32215 concerns issuance of proposed decisions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32220 concerns contemptuous conduct by a party or a party's agent. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32230 concerns the refusal of a witness to testify. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32295 concerns ex parte communications with members of the Board itself, or legal advisers to Board members. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32300 concerns the filing of exceptions to Board agent decisions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32305 provides that proposed decisions become final if no timely exceptions are filed. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32310 provides for the filing of responses to exceptions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32315 provides for oral argument on exceptions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32320 concerns issuance of decisions by the Board itself. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32325 concerns the remedial powers of the Board. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32350 provides a definition of administrative decisions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32360 concerns requirements for appeals of administrative decisions. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32370 concerns requests for a stay. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32375 provides for responses to administrative appeals. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32380 provides for administrative decisions that are not appealable. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32400 provides that a motion for reconsideration is not required in order to exhaust administrative remedies. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32410 provides for the filing of requests for reconsideration. The proposed changes update authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32450 concerns the filing of requests for injunctive relief. The proposed changes amend the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32455 concerns the investigation of requests for injunctive relief. The proposed changes amend the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32460 provides for recommendations by the General Counsel concerning requests for injunctive relief. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code

section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32470 addresses the authority of the General Counsel concerning requests for injunctive relief where a quorum of the Board itself is unavailable. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32500 provides for requests for judicial review concerning representation cases. The proposed changes amend the text as well as authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32602 provides for the processing of unfair practice charges. The proposed changes amend both the text and the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32605 concerns the number of copies of unfair practice charges required for filing. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Proposed Section 32606 describes unfair practices by a trial court under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.), or Trial Court Act. Government Code section 71639.1(c) provides that PERB shall process alleged violations of the Trial Court Act and rules and regulations adopted by a trial court pursuant to Section 71636 as unfair practices. Because the section does not specifically identify the types of acts which might be considered to be unfair practices, parties operating under the act are left without guidance about how to operate within the meaning of the law. Section 32606 prohibits the types of conduct which have been traditionally identified as unfair practices under other labor relations laws, including the Meyers-Milias-Brown Act (Government Code section 3500 et seq.). Without such rules, PERB's only method for identifying the types of conduct that constitute unfair practices will be through case by case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed section 32607 describes unfair practices by an employee organization under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.), or Trial Court Act. Government Code section 71639.1(c) provides that PERB shall process alleged violations of the Trial Court Act and rules and regulations adopted by a trial court pursuant to Section 71636 as unfair practices. Because the section does not specifically identify the types of acts which might be considered to be unfair practices, parties operating under the act are left without guidance about how to operate within the meaning of the law. Section 32607 prohibits the types of conduct which have been traditionally identified as unfair practices under other labor relations laws, including the Meyers-Milias-Brown Act (Government Code section 3500 et seq.). Without such rules, PERB's only method for identifying the types of conduct that constitute unfair practices will be through case by case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed Section 32608 describes unfair practices by an employer under the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), or Court Interpreter Act. Government Code section 71825(c) provides that PERB shall process alleged violations of the Court Interpreter Act and rules and regulations adopted by a regional court interpreter employment relations committee pursuant to Section 71823 as unfair practices. Because the section does not specifically identify the types of acts which might be considered to be unfair practices, parties operating under the act are left without guidance about how to operate within the

meaning of the law. Section 32608 prohibits the types of conduct which have been traditionally identified as unfair practices under other labor relations laws, including the Meyers-Milias-Brown Act (Government Code section 3500 et seq.). Without such rules, PERB's only method for identifying the types of conduct that constitute unfair practices will be through case by case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed section 32609 describes unfair practices by an employee organization under the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), or Court Interpreter Act. Government Code section 71825(c) provides that PERB shall process alleged violations of the Court Interpreter Act and rules and regulations adopted by a regional court interpreter employment relations committee pursuant to Section 71823 as unfair practices. Because the section does not specifically identify the types of acts which might be considered to be unfair practices, parties operating under the act are left without guidance about how to operate within the meaning of the law. Section 32609 prohibits the types of conduct which have been traditionally identified as unfair practices under other labor relations laws, including the Meyers-Milias-Brown Act (Government Code section 3500 et seq.). Without such rules, PERB's only method for identifying the types of conduct that constitute unfair practices will be through case by case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Section 32612 specifies in which "regional office" unfair practice charge filings should be made. Proposed new language, and revisions to authority and reference citations, provide for application of this section to both the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004), and to clarify its application under the Court Interpreter Act.

Section 32615 concerns the information required to be included in an unfair practice charge. The proposed changes amend the text as well as the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32620 concerns the processing of unfair practice charges, including the Board's policy on deferral to arbitration. The proposed changes amend the text and the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32621 concerns the amending of unfair practice charges. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32625 concerns the withdrawal of unfair practice charges. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32630 concerns the dismissal of unfair practice charges. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32635 provides for the appeal of dismissals of unfair practice charges. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32640 concerns the issuance of complaints in unfair practice charge cases. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations

Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32644 provides for the filing of an answer in unfair practice charges where a complaint issues. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32645 concerns non-prejudicial errors in unfair practice charges and related documents. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32646 concerns defenses to complaints issued in unfair practice charge cases. The proposed changes amend the text as well as authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32649 concerns the filing of answers to amendments to complaints in unfair practice charge cases. The proposed changes amend authority and

reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32650 concerns the conduct of informal settlement conferences in unfair practice charge cases. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32661 concerns the filing of repugnancy claims regarding unfair practice charge cases deferred to arbitration. The proposed changes amend the text and the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32680 concerns the conduct of hearings on unfair practice charges. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32690 concerns notice of hearing in unfair practice charge cases. The proposed changes amend authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32980 provides for the enforcement of compliance with final decisions of the Board. The proposed changes update the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32990 defines the term “agency fee” for purposes of these regulations and identifies the statutory provisions establishing agency fee under PERB’s jurisdiction. The proposed changes update both the text and the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32991 concerns limits on the amount of “agency fee.” The proposed changes update both the text and the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32992 describes requirements for notification to nonmembers regarding “agency fee.” The proposed changes update the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32993 describes financial reporting requirements applicable to exclusive representatives that implement agency fees. The proposed changes update both the text and the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32994 concerns agency fee appeal procedure requirements. The proposed changes update the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32995 describes requirements concerning the escrow of agency fee amounts that are in dispute. The proposed changes update the authority and reference citations to reflect the extension of Board

responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32996 provides for the filing of Agency Fee Appeals Procedures by exclusive representatives that receive agency fees. The proposed changes update the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Section 32997 provides that violation of Sections 32990 through 32996 is an unfair practice. The proposed changes update the authority and reference citations to reflect the extension of Board responsibility to include the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.) and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), pursuant to Senate Bill 1102 (Chapter 227, Statutes of 2004).

Proposed section 81000 describes the circumstances under which the Board would conduct representation proceedings and/or agency fee rescission elections under the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.), as set forth in Chapter 7.

Proposed section 81005 defines the term “parties” under proposed Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81010 defines the term “window period” under proposed Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81020 describes requirements for proof of support under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81030 allows the withdrawal of a petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81040 provides for the conduct of an informal settlement conference under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81050 provides for a notice of hearing under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81055 concerns the conduct of a hearing and the issuance of a proposed decision under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81060 provides for the issuance of an administrative decision under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81065 provides for elections in consent units under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81070 concerns decisions of the Board itself and provides that procedures under Chapter 7 shall conform to those set forth in Chapter 1 of the Board’s regulations.

Proposed section 81075 provides for the issuance of a notice of decision under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81080 concerns the conduct of elections and eligibility to appear on ballot under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81090 provides for “card check” recognition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81100 concerns the authority to conduct elections under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81105 concerns the ballot under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81110 concerns directed election orders, consent election agreements and notices of elections under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81115 addresses the issue of a voter list under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81120 concerns voter eligibility under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81125 concerns election observers under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81130 concerns challenges to voter eligibility under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81135 provides for a tally of ballots under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81140 provides for the resolution of challenges to voter eligibility under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81145 provides for runoff elections under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81150 provides for the filing of objections to an election under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81155 describes powers and duties of a Board agent concerning objections under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81160 provides for the withdrawal of objections under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81165 provides for hearings on objections and challenges under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81170 addresses the filing of exceptions to a decision on objections or challenges under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81175 provides for a revised tally of ballots under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81180 provides for objections to a revised tally of ballots under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81185 provides for a certification of the results of an election or certification of exclusive representative under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81190 concerns a request for stay of election under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81200 concerns bars to the conduct of an election under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81210 provides for the filing of a petition for certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81220 concerns the posting of a notice of a petition for certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81240 provides for the determination of proof of support for a petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81250 provides for the employer response regarding a petition for certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81260 concerns an amendment to a petition for certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81270 concerns the investigation of a petition for certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81300 provides for the filing of a petition for amendment of certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81310 provides for the filing of an employer response to a petition for amendment of certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81320 concerns the investigation of a petition for amendment of certification under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81350 provides for the filing of a decertification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81360 concerns the posting of notice of a decertification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81370 addresses the proof of support determination for a decertification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81380 concerns the investigation and conduct of an election concerning a decertification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81400 provides for the filing of a severance petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81410 concerns responses to severance petitions under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81420 concerns the investigation of a severance petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81450 provides for the filing of a unit modification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81460 provides for a response to a unit modification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81470 addresses the issue of proof of support submitted with a unit modification petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81480 describes possible dispositions of unit modification petitions under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81600 provides for the filing of a petition to rescind an agency shop agreement or provision under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81610 concerns the proof of support determination for a rescission petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81620 concerns the conduct of an election on a rescission petition under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 81630 describes when a bar to the filing of a rescission petition would exist under Chapter 7 for the Trial Court Governance and Employment Protection Act (Government Code section 71600 et seq.).

Proposed section 91000 describes the circumstances under which the Board would conduct representation proceedings and/or agency fee rescission elections under the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), as set forth in Chapter 8.

Proposed section 91005 defines the term “parties” under proposed Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91010 defines the term “window period” under proposed Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91020 describes requirements for proof of support under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91030 allows the withdrawal of a petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91040 provides for the conduct of an informal settlement conference under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91050 provides for a notice of hearing under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91055 concerns the conduct of a hearing and the issuance of a proposed decision under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91060 provides for the issuance of an administrative decision under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91065 provides for elections in consent units under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91070 concerns decisions of the Board itself and provides that procedures under Chapter 8 shall conform to those set forth in Chapter 1 of the Board’s regulations.

Proposed section 91075 provides for the issuance of a notice of decision under Chapter 8 for the Trial Court

Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91080 concerns the conduct of elections and eligibility to appear on ballot under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91090 provides for “card check” recognition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91100 concerns the authority to conduct elections under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91105 concerns the ballot under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91110 concerns directed election orders, consent election agreements and notices of elections under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91115 addresses the issue of a voter list under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91120 concerns voter eligibility under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91125 concerns election observers under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91130 concerns challenges to voter eligibility under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91135 provides for a tally of ballots under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91140 provides for the resolution of challenges to voter eligibility under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91145 provides for runoff elections under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91150 provides for the filing of objections to an election under Chapter 8 for the Trial

Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91155 describes powers and duties of a Board agent concerning objections under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91160 provides for the withdrawal of objections under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91165 provides for hearings on objections and challenges under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91170 addresses the filing of exceptions to a decision on objections or challenges under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91175 provides for a revised tally of ballots under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91180 provides for objections to a revised tally of ballots under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91185 provides for a certification of the results of an election or certification of exclusive representative under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91190 concerns a request for stay of election under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91200 concerns bars to the conduct of an election under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91210 provides for the filing of a petition for certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91220 concerns the posting of a notice of a petition for certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91240 provides for the determination of proof of support for a petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91250 provides for the employer response regarding a petition for certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91260 concerns an amendment to a petition for certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91270 concerns the investigation of a petition for certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91300 provides for the filing of a petition for amendment of certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91310 provides for the filing of an employer response to a petition for amendment of certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91320 concerns the investigation of a petition for amendment of certification under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91350 provides for the filing of a decertification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91360 concerns the posting of notice of a decertification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91370 addresses the proof of support determination for a decertification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91380 concerns the investigation and conduct of an election concerning a decertification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91400 provides for the filing of a severance petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91410 concerns responses to severance petitions under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91420 concerns the investigation of a severance petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91450 provides for the filing of a unit modification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91460 provides for a response to a unit modification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91470 addresses the issue of proof of support submitted with a unit modification petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91480 describes possible dispositions of unit modification petitions under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91600 provides for the filing of a petition to rescind an agency shop agreement or provision under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91610 concerns the proof of support determination for a rescission petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91620 concerns the conduct of an election on a rescission petition under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

Proposed section 91630 describes when a bar to the filing of a rescission petition would exist under Chapter 8 for the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None

Costs or savings to state agencies: None

Cost or savings on federal funding to the state: None

Cost impact on private persons or directly affected businesses: The Board is not aware of any cost impacts

that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact on business including the ability of California businesses to compete with businesses in other states: None

Significant effect on housing costs: None

The proposed regulations will not affect small business because they only affect public employers and public employees.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by it, or otherwise identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, at the address below. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies of these documents and the Final Statement of Reasons may be obtained by contacting Robert Thompson at the address or phone number listed below.

ADOPTION OF PROPOSED REGULATIONS, AVAILABILITY OF CHANGED OR MODIFIED TEXT AND FINAL STATEMENT OF REASONS

Following the hearing, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly indicated—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified

regulations and/or the final statement of reasons should be sent to the attention of Robert Thompson at the address indicated below. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INTERNET ACCESS

The Board will maintain copies of this Notice, the Initial Statement of Reasons and the text of the proposed regulations on its web site, found at www.perb.ca.gov, throughout the rulemaking process. The Final Statement of Reasons or, if applicable, notice of a decision not to proceed, will be posted on the web site following the Board's action.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action or the substance of the proposed regulations should be directed to:

Robert Thompson, General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814
(916) 327-8381

or

Bernard McMonigle, Senior Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814
(916) 327-8386

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Amendments to Regulations 1071 and 1083 Regarding Minimum Training Requirements for Regular Basic Course Instructors

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST) and 13506 (authority for the Commission on POST to adopt regulations). This proposal is intended to interpret, implement, and make specific section 13503(e) (Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

POST Strategic Plan Objective B.3 directs staff to establish training and certificate requirements for all instructors of POST-certified courses. To meet this objective, staff is implementing requirements for instructors incrementally. The first step taken in July 2002, implemented mandatory training standards for instructors of certain specialized subjects. In August 2003, regulations were adopted for a voluntary Academy Instructor Certificate Program (AICP). Participation in the AICP requires that the instructors of participating academies complete minimum training and certificates requirements, including a triennial recertification.

Due to the fact that the AICP is voluntary, the current training and certificate requirements for Regular Basic Course instructors pertain only to those employed by AICP participating academies. Proposed amendments to Regulation 1071 would implement the third phase of Objective B.3 by requiring that all Regular Basic Course instructors (standard format and modular format Level I and II Reserve Modules only), appointed on or after July 1, 2006, meet a minimum training standard prior to instructing. The proposed minimum training standard, completion of a POST-certified Academy Instructor Development Course is also satisfied by completion of a POST-certified Academy Instructor Certification Course (the requirement for AICP), but not conversely. The minimum training standard can be satisfied through an equivalency process for instructors who have previously completed instructor development training. Additionally, the proposed amendments to Regulation 1071 include an exemption for instructors who are short-term replacement instructors or guest speakers.

Proposed amendments to Regulation 1083 add minimum content and hourly requirements for the Academy Instructor Development Course. It is anticipated the proposed minimum training requirement for Regular Basic Course instructors will complete a significant step toward the goal of ensuring excellence in delivery of Regular Basic Courses. If approved, the Academy Instructor Development Course curriculum will feature the core competencies that have proven essential for success in the adult learning environment.

The effect of the proposed changes will require all newly appointed (on or after July 1, 2006) Regular Basic Course, Level I, and II Reserve Module instructors to complete a 24-hour instructor development course before instructing. Instructors who do not meet the new training standard will not be approved by POST to teach any part of a POST-certified Regular Basic Course, except for Reserve Module III. Academy presenters who use or attempt to use instructors

who have not satisfied the minimum training standard may lose certification of their academy when annual recertification of their Basic Course is under review.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 5:00 p.m. on January 24, 2005. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

TEXT OF PROPOSAL, RULEMAKING FILE, AND INTERNET ACCESS

The following detailed information regarding the proposed regulatory action is provided on the POST website at

[www.post.ca.gov/RegulationNotices/
RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST bulletin
- Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below; please refer to Bulletin 2004-16. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is base. The file will be maintained

for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The Final Statement of Reasons will be available after November 8, 2004 and may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST Internet website at the address cited above.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Fiscal impact is expected to be minimal, and training costs will be shared among POST, presenters, and instructors. This proposed training requirement only impacts persons appointed to academy instructor positions on or after July 1, 2006. Furthermore, the public entities that employ instructors have the option of minimizing costs by requiring that instructors complete the instructor development training prior to being hired or being deployed as an instructor. The training costs would then shift to the individual instructors. Another measure that further diminishes academies' training costs is the exemption of guest speakers and short-term replacements from the training requirement. Too, the proposed regulation includes an equivalency protocol for employees who have had previous training.

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amended Regulations 1071 and 1083 will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training recognizes that some academies may neither provide nor reimburse for training to meet the instructor-development training requirement. In

recognition of this, POST is planning development and delivery of instruction via traveling "road shows" throughout the state. Also, a number of community colleges will offer relatively low-cost training courses to meet the training mandate.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to effected private persons than the proposed action.

CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to Anna Del Porto, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4854, by FAX at 916.227.5271, or by email at Anna.DelPorto@post.ca.gov. The back-up contact person for this proposal is Patricia Cassidy, Associate Analyst; she may be reached by telephone at 916.227.4847, or by email at Pat.Cassidy@post.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to amend as permanent regulations its existing regulations relating to the Attorney General's supervision of charitable organizations pursuant to Government Code section 12580 et seq. (The Supervision of Trustees and Fundraisers for Charitable Purposes Act.)

PUBLIC COMMENT PERIOD

DOJ will accept written comments presenting statements, arguments or contentions relevant to the proposed regulations for a period of 45 days from the date of publication of this Notice of Proposed Action. DOJ will not consider any comments which are not received by 5 p.m. January 24, 2005. No later than 15 days prior to the close of this written comment

period, any interested person or his or her duly authorized representative may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Written comments or requests for a public hearing should be addressed to Deputy Attorney General Barbara D. Moore, Department of Justice, Office of the Attorney General, 1300 I Street, 15th floor, Sacramento, California, 94244-2550.

AUTHORITY AND REFERENCE

The proposed regulations amend sections 300, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, and 312.1 of Title 11 of the California Code of Regulations, pursuant to the authority of Government Code section 12587, which specifically authorizes DOJ to adopt regulations necessary for administration of The Supervision of Trustees and Fundraisers for Charitable Purposes Act.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 12580 et seq, which became effective in 1959, and was amended in 1998, provides DOJ with enforcement and supervisory powers over all charitable corporations and trustees holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers.

The proposed amendments modify the existing regulations by increasing fees for registration and renewal of charities, as authorized under 12587 of the Government Code. The proposed amendments also increase the registration and renewal fees for commercial fundraisers, fundraising counsel, and commercial coventurers, as authorized under 12599(b), 12599.1(c), and 12599.2 (c) of the Government Code, respectively. The proposed amendments also modify the existing regulations by correcting typographical errors, updating contact information, and clarifying the reporting requirements and relevant forms. The Department finds that it is necessary for the health, safety or welfare of the people of this state that proposed sections 301, 304, 305, 306, 307, and 308 apply to businesses.

DISCLOSURES REGARDING THE REGULATIONS

Fiscal Impact on Public Agencies: None.

Mandate and cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings to any state agency. None

Cost or savings in federal funding to the state: None.

Cost impact on private persons or directly affected businesses: The fee increases are minimal, and are based on the total amount of gross annual revenue.

Significant statewide adverse economic effect directly affecting business including the ability of California businesses to compete with businesses in other States: The proposed fee increases are minimal and based on gross annual revenue, and the fee schedule is comparable to fees charged in other states.

Effect on small businesses: None. The regulations do not apply to any businesses, but only to non-profit organizations.

Significant effect on housing costs: None.

In accordance with Government Code Section 11346.3, DOJ has assessed whether and to what extent adoption of the regulations will affect the following:

- (a) The creation or elimination of jobs within the State of California: None.
- (b) The creation of new businesses or the elimination or expansion of existing businesses within the State of California: None.

STATEMENT OF REASONS AND INFORMATION

DOJ has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the exact language of the amendments and additions to the regulations, the initial statement of reasons and other information, if any, may be obtained upon request from the Department of Justice, Office of the Attorney General, 1300 I Street, Room 1130, Sacramento, CA 94244-2550, or by telephoning the contact person listed below.

CONTACT PERSON

General or substantive inquiries concerning the regulatory actions should be directed to Deputy Attorney General Barbara D. Moore at the above address or at (916) 323-6665. The backup contact person to whom general inquiries may be directed is Sandy Blazak, Associate Governmental Program Analyst, who may be contacted at the above address or at (916) 327-7882. The backup contact person to whom substantive inquiries may be directed is Supervising Deputy Attorney General Kelvin Gong who may be contacted at 455 Golden Gate Avenue, Suite 11000, San Francisco, California, 94102-7004 or at (415) 703-5510.

**PRESENTATION OF ORAL AND/OR
WRITTEN COMMENTS**

Interested persons are invited to submit written comments on the adoption of the regulations. A public comment period is provided from December 10, 2004, through 45 days thereafter (January 24, 2005). Filing of written statements will be accepted at the Department of Justice, Office of the Attorney General (Attention: Barbara D. Moore, Deputy Attorney General), 1300 I Street, Room 1130, Sacramento, CA 94244-2550, until the close of business 5:00 p.m. January 24, 2005. DOJ will not consider written comments received after January 24, 2005.

**PROPOSED REVISIONS, FINAL
ADOPTION OF REGULATIONS**

Following the close of the written comment period, DOJ may adopt, as final, the regulations as described in this Notice and Informative Digest. Copies of the Regulations, as finally adopted, will be sent to all persons who have requested copies by filing a written request with the contact person identified above. If, as a result of public comments, significant or substantial changes to the proposed regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who previously requested copies of changes to the regulation, all persons who submitted written comments during the comment period, all persons who submitted written or oral comments at a public hearing if one is held, and those who have requested copies of information regarding the regulations.

Thereafter, DOJ will accept written comments, arguments, evidence and the like for a period of 15 days after the date upon which changes were made available. If adopted, the regulations will appear in the California Code of Regulations, Title 11, Division 1, Chapter 15, sections 300, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, and 312.1.

DOJ must determine that no reasonable alternative considered by it or that has otherwise been identified or brought to the attention of DOJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF MATERIALS
ON THE INTERNET**

The Notice of Proposed Action, the Initial Statement of Reasons, the Final Statement of Reasons, the text of the proposed regulations, the date a rulemaking action is filed with the Secretary of State, and the effective date of the rulemaking action will all be posted on, and may be downloaded from, the website of the Charitable Trusts Section of the Office of the Attorney General in DOJ (<http://ag.ca.gov/charities>).

**TITLE 16. BOARD OF
BEHAVIORAL SCIENCES**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Horton Grand Hotel, 311 Island Avenue, San Diego, California, 92101, at 2:00 p.m. on Thursday, February 17, 2005.

Written comments must be received by the Board at its office including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this notice not later than 5:00 p.m. on February 14, 2005, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4980.60, 4987, and 4990.14 of the Business and Professions Code and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 4982, 4986.70, and 4992.3 of the Business and Professions Code and Sections 11400.20 and 11425.50 (e) of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Amend Section 1888.

The Board of Behavioral Sciences "Disciplinary Guidelines" document is incorporated by reference in the California Code of Regulations Section 1888, which was approved into regulation in 1997. These guidelines are used by Board staff, Deputy Attorneys General, Administrative Law Judges, licensees and attorneys to assist in determining penalties in the disciplinary process against Marriage and Family Therapists, Licensed Clinical Social Workers,

Licensed Educational Psychologists, Registered Marriage and Family Therapist Interns, and Registered Associate Clinical Social Workers.

On February 20, 2003, The Board created an Ad Hoc Disciplinary Guidelines Committee. Its objective was to determine amendments that would make the Disciplinary Guidelines document more clear, comprehensive, user-friendly, and up to date. The document been amended as follows:

1. Revised Introduction
2. New Penalty Guidelines statement
 - (a) Explains document purpose and format
 - (b) Explains and provides direction regarding Optional Terms and Conditions of Probation
 - (c) Provides direction to Administrative Law Judge requesting explanation of deviations or omissions from guidelines
3. Penalty Guidelines
 - (a) Reformatted Penalty Guidelines in table format
 - (b) Edited various minimum and maximum penalties
 - (c) Violation categories re-titled to accurately reflect all violations
4. Added description of Model Disciplinary Orders
5. Renumbered Optional and Standard Terms and Conditions of Probation
6. Optional Conditions section now precedes Standard Conditions section
7. Optional Terms and Conditions of Probation
 - (a) Added request for Optional Conditions to be listed first in decisions
 - (b) Added "Psychiatric" to Psychological Evaluation
 - (c) "Psychotherapy" now precedes "Supervised Practice"
 - (d) Renamed "Supervision of Respondent's Practice" to "Supervised Practice"
 - (e) Moved Law and Ethics course from Standard to Optional Conditions and included a NOTE explaining when this term is appropriate
 - (f) Added NOTE regarding the appointment of evaluators for psychological or psychiatric evaluations
8. Standard Terms and Conditions of Probation
 - (a) Deleted Tolling of Probation
 - (b) Added Residing or Practicing Out-of-State Terms and Conditions
 - (c) Added Failure to Practice—California Resident Terms and conditions
 - (d) Added NOTE to Notification to Clients explaining when this term is appropriate
 - (e) Added supplementary direction to probationer regarding when notification to client is needed

and included NOTE providing direction to probationer regarding appropriate application of the condition

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not have any affect on small businesses, as these proposals would only affect individuals in the Board's disciplinary process.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing or to the address listed under Contact Person.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger
Address: 400 R Street, Suite 3150
Sacramento CA 95814
Telephone: 916-445-4933, extension 1026
Fax: 916-445-1116
Email: BBSWebMaster@bbs.ca.gov

OR

Name: Julie McAuliffe
Address: 400 R Street, Suite 3150
Sacramento, CA 95814
Telephone: 916-445-4933, extension 1142
Fax No.: 916-323-0707
E-Mail: BBSWebMaster@bbs.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from either of the Contact Persons listed above.

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection from either of the Contact Persons listed above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to either of the Contact Persons named above or by accessing the website listed below.

INTERNET ACCESS

Materials regarding this proposal, including the proposed revisions to the Disciplinary Guidelines document, can be found at www.bbs.ca.gov

TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Mimi Modisette Conference Room, 400 R Street, Suite 3020, Sacramento, CA, at 9:00 AM, on January 28, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Mischa Matsunami in this Notice, must be received by the board at its office not later than 5:00 p.m. on January 26, 2005 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2470 of the Business and Professions Code and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 11400.20 and 11425.50(e) of the Government Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1399.710, Disciplinary Guidelines.

Senate Bill 523 (Stats. 1995, Chapt. 938; Kopp) provided that a penalty in an administrative disciplinary action may not be based on a guideline unless it has been adopted as a regulation in accordance with the Administrative Procedure Act. The board adopted the disciplinary guidelines as an administrative regulation, which became effective October 1997. The regulation incorporated by reference the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines and Model Disciplinary Orders," revised November 1, 1996. Subsequent revisions to the guidelines adopted by the Board were later incorporated by reference.

On October 8, 2004, the board approved to incorporate by reference, its recently revised Manual

of Disciplinary Guidelines in order to improve the efficiency with which enforcement situations are managed.

Because of the small licensee population, podiatric medical cases occur far less often than standard medical cases. As a result, while the Board of Podiatric Medicine (BPM) utilizes services provided by the Medical Board of California (MBC) with regard to enforcement activity, those involved are often not as familiar with the Disciplinary Guidelines held by BPM as they are with those currently enforced by MBC. This proposal would make the Board's Manual of Disciplinary Guidelines consistent with those enforced by the MBC, and would therefore enable the MBC's Central Complaint Unit, investigative staff, Deputy Attorneys General, and Administrative Law Judges to review and apply the BPM's guidelines in a more efficient manner.

The proposed regulation would incorporate by reference, the October 8, 2004 revision to "A Manual of Disciplinary Guidelines and Model Disciplinary Orders."

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: none

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: Because disciplinary actions are directed only at the relatively few licensees who violate the law, the Board has determined that the proposed amendments will not have a significant economic impact on California businesses. Further, the proposed amendments are mostly of technical nature, and will serve primarily to establish consistency between the Board's regulations and those currently enforced by the Medical Board of California.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new

businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would not affect small businesses. New language establishes consistency with the Disciplinary Guidelines currently enforced by the Medical Board of California, and impacts only those licensees who are found to have violated the law.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Podiatric Medicine at 1420 Howe Avenue #8, Sacramento, California 95825-3291.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Mischa Matsunami
 Address: 1420 Howe Avenue, Suite #8
 Sacramento, CA 95825
 Telephone No.: (916) 263-0315
 Fax No.: (916) 263-2651
 E-Mail Address: Mischa_Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger
 Address: 1420 Howe Avenue, Suite #8
 Sacramento, CA 95825
 Telephone No.: (916) 263-2647
 Fax No.: (916) 263-2651

Inquiries concerning the substance of the proposed regulations may be directed to Mischa Matsunami, (916) 263-0315.

Materials regarding this proposal can be found at:
<http://www.bpm.ca.gov/lawsregs/index.htm>

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites Hotel, 4550 La Jolla Village Drive, San Diego, California 92122. The telephone number is (858) 453-0400. The hearing will be held at 1:30 p.m., or as soon as practicable thereafter, on Friday, January 28, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, January 24, 2005, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 and 4947 of the Business and Professions Code, and to implement, interpret or make specific Section 4947 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations, Section 1064

Existing regulation requires that to use acupuncture in dentistry, a dentist must successfully complete 50 hours of didactic instruction and 30 hours of clinical training (total 80 hours). The proposed change would require 12 hours of didactic instruction and 12 hours of clinical training (total of 24 hours). This change is supported by the fact that there is an overlapping of courses taught in the basic curriculum of dental schools and in the acupuncture training curriculum. While the acupuncture training program is an elective program, some of the same classes are taught in both programs. For example, the course of head and neck anatomy is currently required in the basic dental curriculum; it is also required in the 80-hour program of acupuncture training. By removing classes that are currently required in both areas, the Board removes a burden for the dentist who has elected to complete a program in acupuncture.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person

or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation proposes to allow fewer hours for training in acupuncture for the dentist who chooses to use this in his/her practice.

CONSIDERATION OF ALTERNATIVES

The Dental Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Dental Board of California has determined that since there is an overlapping of classes between the curriculums of basic dental education and the acupuncture training program, there could be a reduction of hours in training for those dentists who want to use acupuncture in their practice of dentistry. During committee meetings of the Dental Board of California, discussions centered around how many hours of training would be appropriate to competently qualify a dentist to use acupuncture in his/her practice. Curriculums were evaluated by Board members and interested specialists; initial discussions suggested the number of training hours might be reduced from 80 to 15 because of the overlapping of courses taught in both programs. Further discussions led the committee to agree on a 24-hour program. Therefore, this proposed regulation is to reduce the number of training hours from 80 to 24.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300
Fax Number: (916) 263-2140
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Anita Dowty
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
E-Mail Address: Anita_Dowty@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites Hotel, 4550 La Jolla Village Drive, San Diego, California 92122. The telephone number is (858) 453-0400. The hearing will be held at 1:30 p.m., or as soon as practicable thereafter, on Friday, January 28, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, January 24, 2005, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as de-

scribed below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 and 1645.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 1645.1 and 1753.5 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 California Code of Regulations Section 1070.4

Business and Professions Code Section 1754 provides the Board shall adopt regulations governing the duties that Registered Dental Assistants (RDAs) may perform. Subdivision (12) of regulation section 1086 provides that RDAs may perform coronal polishing, but only after completion of a Board-approved course in this function.

This proposed regulation would specify the criteria that providers of such courses must meet to obtain Board approval of the course. The criteria is broadly based upon guidelines that the Committee on Dental Auxiliaries has used in the past to evaluate courses applying for approval, as well as the criteria contained in regulation section 1070.2 that governs full RDA educational programs.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation pertains to clarifying existing regulations.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

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 Telephone: (916) 263-2300
 Fax Number: (916) 263-2140
 E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Karen Wyant
 Address: 1428 Howe Avenue, Suite 58
 Sacramento, California 95825
 E-Mail Address: karen_wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

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AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 1754 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 California Code of Regulations Sections 1070.5

Business and Professions Code Section 1754 provides that the Board shall adopt regulations governing the duties that Registered Dental Assistants (RDAs) may perform. Subdivision (13) of regulation section 1086 provides that RDAs may use an ultrasonic scaler in the removal of excess cement from teeth under orthodontic treatment, but only after completion of a Board-approved course in this function. This proposed regulation would define the requirements that such courses must meet for Board-approval.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small

businesses because this regulation would define the requirements that course providers would be required to obtain Board approval.

CONSIDERATION OF ALTERNATIVES

The Dental Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

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AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

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AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 and 1646.2 of the Business and Professions Code, and to implement, interpret or make specific Sections 1646.1, 1646.2, 1646.3, 1647.3, 1647.4, 1647.4, 1647.6, 1647.7, and 1682 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Amend 16 California Code of Regulations
Section 1043

Existing law authorizes the Board to regulate the General Anesthesia (GA) and Conscious Sedation (CS) Programs. These proposed regulations would make more specific requirements for the program, modernize the language and add additional equipment to the permittee's office.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

This proposed action may affect small business.

This proposed change would require a dentist, who holds the GA/CS permit, to have additional equipment in his/her office for GA/CS. The cost has been determined to be not more than \$1500.00 per office. This equipment will be mandatory for those offices that do not currently have this equipment already installed.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as

effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

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Telephone: (916) 263-2300
Fax Number: (916) 263-2140
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Anita Dowty
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
E-Mail Address: anita_dowty@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

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AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1647.10, 1647.12, 1647.14, and 1647.16 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations Section 1044

Existing law requires a dentist who wants to administer Oral Conscious Sedation (OCS) to minor patients to meet certain educational criteria. Specific facility and equipment standards must also be met. This proposed change does not make any changes to either facility or educational requirements. This proposed language will make changes that are non-substantive; a few add clarity to a specific section, and one change will require additional documentation in the patients' sedation records.

Section 1044 regulates the OCS for Minor Patients Program administered by the Dental Board of Califor-

nia. At the Board meeting of August 2002, the Anesthesia Committee recommended to the Dental Board members that an independent panel of experts be assembled to review existing regulations for this program. There have been several studies conducted in this field the last several years, and Board members believe it is prudent for the protection of the public to stay current on all OCS issues. The Board concurred on forming a panel and experts were asked to review the regulations. Those findings of the panel were brought to the Board on November 4, 2003. There have been several committee meetings since that time where findings were discussed and decisions made about which recommendations to implement. These changes have been derived from this report.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined the proposed regulation would not affect small businesses because this regulation contains changes that are non-substantive; a few add clarity to a specific section and one change will require additional documentation in the patients sedation records.

CONSIDERATION OF ALTERNATIVES

The Dental Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be

more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

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CONTACT PERSON

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AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 1753 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 California Code of Regulations
Sections 1070.6 and 1070.7

Business and Professions Code Section 1753 provides the Board shall license as a Registered Dental Assistant (RDA) a person, who among other things, has graduated from an educational program in dental assisting approved by the Board. Subdivision (c)(2) of regulation section 1070.2 provides that the faculty of each such educational program must complete a Committee on Dental Auxiliaries (COMDA) approved course in teaching methodology of at least 60 hours at a post-secondary institution prior to student instruction.

Proposed Section 1070.6 provides that a person who holds a specified teaching credential does not need to complete such a course, and proposed Section 1070.7 provides the criteria that providers of such courses must meet in order to obtain COMDA approval of such courses.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation only pertains to the standards for approval of courses that are mandated by CCR Section 1070.2.

CONSIDERATION OF ALTERNATIVES

The Dental Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

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TEXT OF PROPOSAL

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Website Access Materials regarding this proposal can be found at www.dbc.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number 2080-2004-018-01

PROJECT: Release for Harvest of Marbled Murrelet Habitat Type "D" and "E" Stands
Timber Harvesting Plans 1-02AM-157HUM, 1-04-001HUM, 1-04-065HUM, 1-04-076HUM, 1-04-106HUM, 1-04-139HUM, 1-04-150HUM, 1-04-168HUM, 1-04-178HUM, 1-04-184HUM, 1-04-216HUM, 1-04-221HUM, 1-04-231HUM

LOCATION: Humboldt County

NOTIFIER: The Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation

BACKGROUND

On February 24, 1999, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service issued to The Pacific Lumber Company, Scotia Pacific Company LLC., and Salmon Creek Corporation (collectively known as PALCO), a "no jeopardy biological opinion" (FWS 1-14-99-18) for the proposed incidental take of up to 17 species that would occur as a result of habitat loss and disturbance associated with timber harvesting activities described in the February 1999 PALCO Habitat Conservation Plan (HCP). On March 1, 1999, the U.S. Fish and Wildlife Service issued PALCO an incidental take permit (TE828950-0) for 13 species.

The State-listed endangered and Federal-listed threatened marbled murrelet (*Brachyramphus marmoratus*) is one of the 13 species covered by this incidental take permit. Among the disturbance minimization and take avoidance measures for the marbled murrelet described in the PALCO HCP are those found in Section 6.1.2.3.5, the process known as "Prioritization and Phasing of Harvest." This process prioritizes and phases harvest of old-growth and residual redwood stands, including higher-quality marbled murrelet habitat, in a manner that minimizes impacts to marbled murrelets.

In accordance with the prioritization and phasing process of the PALCO HCP for the harvest of marbled murrelet habitat, PALCO is proposing to harvest 44.8 acres of Type "D" and 29.2 acres of Type "E" stands

of marbled murrelet habitat which comprise 74.0 acres and are included among thirteen timber harvesting plans (THPs).

The Director of the Department of Fish and Game received October 13, 14, and 19, 2004, letters from PALCO seeking a determination pursuant to Section 2080.1 of the Fish and Game Code that Federal incidental take permit number TE828950-0 is consistent with the California Endangered Species Act (CESA) as to the harvest of the above-identified stands containing marbled murrelet habitat.

DETERMINATION

The Department has determined that incidental take permit number TE828950-0 which includes PALCO's full compliance with the terms of the HCP as a condition of authorization is consistent with CESA for the identified stands because the mitigation measures described in the HCP and associated biological opinion meet the conditions set forth in Fish and Game Code Section 2081 (b) and (c) for authorization of incidental take of species protected under CESA. Specifically, the Department finds that the potential take of marbled murrelets will be incidental to otherwise lawful activities (i.e., THPs approved by the California Department of Forestry and Fire Protection), the mitigation measures identified in the HCP and the associated biological opinion will minimize and fully mitigate the impacts of the authorized take of marbled murrelets, and the projects will not jeopardize the continued existence of the species. The mitigation measures contained within the PALCO HCP and biological opinion include but are not limited to the following:

1. The sale of the Headwaters Reserve to the State and Federal government and the sale of the Owl Creek Reserve and portions of the Grizzly Creek Complex to the State.
2. The creation of marbled murrelet conservation areas (MMCAs) which are to be managed for marbled murrelet habitat for the life of the HCP (50 years).
3. Implementation of marbled murrelet disturbance minimization measures that minimize possible disturbance and incidental take created by covered activities on PALCO lands adjacent to MMCAs and old-growth habitat in the Headwaters Reserve and State and County parks (HCP Section 6.1.2.3.).
4. The process of prioritization and phasing of the harvest of marbled murrelet habitat in a manner which minimizes impacts to marbled murrelets (HCP Section 6.1.2.3.5).
5. PALCO's submittal to the U.S. Fish and Wildlife Service of an annual effectiveness monitoring report detailing its marbled murrelet monitoring

survey locations, results, data, and analysis undertaken during the past year.

6. PALCO's contribution of \$30,000 annually to the U.S. Forest Service, Northwest Forest Plan off-shore monitoring program.
7. PALCO's maintenance of a fund to conduct research regarding marbled murrelet conservation needs. PALCO will contribute \$200,000 annually for the first five years of the HCP and \$100,000 annually for the following five years to a "Marbled Murrelet Scientific Review Panel" to conduct research regarding the conservation needs of the marbled murrelet.

This determination is limited to consistency of the incidental take permit as applied to the described actions on the above-identified stands and does not cover other harvesting activities. Separate determinations or take authorizations must be obtained for such future activities that may result in take of State-listed species. Pursuant to Section 2080.1 of the Fish and Game Code, no incidental take authorization under CESA will be required for incidental take of marbled murrelets for harvest of these Type "D" stands, provided PALCO complies with the mitigation measures and other conditions described in the PALCO HCP and associated biological opinion and those required by the Federal incidental take permit. If there are any substantive changes to the project, including changes to the mitigation measures, or if the U.S. Fish and Wildlife Service amends the Federal incidental take permit, PALCO will be required to obtain a new consistency determination or CESA incidental take authorization from the Department.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE TO INTERESTED PARTIES

DTSC SEEKS JUDICIAL APPROVAL OF
SETTLEMENT AGREEMENT WITH THE
ESTATE OF MS. ELIZABETH MURRAY
RESPECTING THE HARD CHROME PRODUCTS
SITE LOCATED AT 617 EAST 56TH STREET,
LOS ANGELES, CALIFORNIA

The Department of Toxic Substances Control ("DTSC") has agreed to enter into a Consent Decree with Andrew Wallet as the trustee of the Elizabeth G. Murray Living Trust ("Mr. Wallet") respecting the Hard Chrome Products Site (the "Site") located at the 617 East 56th Street in the City of Los Angeles.

Site History. From 1943 until 1991, electroplating operations were conducted on the Site. As part of these operations a drainage sump, surface drain and an earthen containment trench were used for disposal of liquid wastes and sludge's containing chromium, hexavalent chromium and lead. DTSC alleges that plating operations at the Site resulted in releases of hazardous substances at the Site. The soil and groundwater beneath the Site is contaminated with elevated levels of chromium, hexavalent chromium, and Trichloroethylene (TCE).

Enforcement Activities and Cleanup Work Completed by DTSC. In March 1997, DTSC issued an Imminent and Substantial Endangerment Order ("I&SE Order") requiring the Hard Chrome responsible parties ("RPs"), including Elizabeth Murray, to prepare a Remedial Investigation/Feasibility Study (RI/FS). The RPs did not comply with the I&SE Order. DTSC requested the current property owner and other RPs to conduct an RI/FS, however, they claimed they did not have the funds necessary to complete the RI/FS and conduct a satisfactory cleanup. In 2002, DTSC obtained State funds to complete the RI/FS and Baseline Human Health Risk Assessment for the Site. Additionally, State funding was obtained in 2003 to complete the RI, a Treatability Study, and a Remedial Action Plan ("RAP") for the Site. DTSC filed a complaint against Mr. Wallet and the other RPs.

The Consent Decree. The Consent Decree requires Mr. Wallet to pay DTSC \$100,000, which represents a portion of the past costs that DTSC has incurred at the Site. In return, Mr. Wallet receives contribution protection as provided by federal law from certain claims by other liable parties and a covenant not to sue from DTSC. Mr. Wallet does not admit liability. DTSC reserves a number of rights, including, *inter alia*, its right to seek recovery of its unpaid past and future costs from third parties.

Entry of the Decree. DTSC intends to lodge the Consent Decree with the United States District Court for the Central District of California. After a 30 day public comment period ends and DTSC prepares responses to any comments received, the Attorney General's office will make a motion for judicial approval of the Consent Decree, pursuant to 42 U.S.C. § 9613(f)(2).

Obtaining Copies of the Decree. Interested parties may obtain a copy of the Consent Decree by contacting Mr. Tedd Yargeau at (818) 551-2864.

Comments on the Decree. DTSC invites any interested persons to submit comments on the Consent Decree. *Comments must be received by DTSC on or*

before January 24, 2005. The comments should reference the Site name and be directed to:

Mr. Tedd Yargeau
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

DTSC's responses to any timely comments will be available for inspection at DTSC's office in Glendale, California.

Further information regarding this matter may be obtained by contacting any of the following persons: Deputy Attorney General Sarah Morrison at (213) 897-2640, or DTSC Staff Counsel Robert Elliott at (916) 327-6105.

DECISION NOT TO PROCEED

FISH AND GAME COMMISSION

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission, at the request of the Department of Fish and Game, decided not to proceed with the amendment of Sections 150.18, Title 14, California Code of Regulations, regarding commercial nearshore trap limitations, Notice File Number Z-04-0831-06, which was published September 10, 2004 in California Notice Register 2004, No. 37-Z, pages 1242-1244.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES

REQUEST FOR COMMENTS ON PROPOSED LISTING OF 1-HYDROXYANTHRAQUINONE AS KNOWN TO CAUSE CANCER

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 *et seq.*, Proposition 65). OEHHA is proposing to include

1-hydroxyanthraquinone (CAS No. 129-43-1) on the list of chemicals known to the state to cause cancer, for the purposes of Proposition 65.

Health and Safety Code section 25249.8(a) requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP), as described in Labor Code section 6382(b)(1) and (d), be included on the Proposition 65 list. Labor Code section 6382(b)(1) references substances identified as human or animal carcinogens by IARC, and Labor Code section 6382(d) references substances identified as carcinogens or potential carcinogens by IARC or NTP. 1-Hydroxyanthraquinone was identified by IARC as an animal carcinogen.

In 2002, IARC issued the monograph *Some Traditional Herbal Medicines, Some Mycotoxins, Naphthalene and Styrene* (Volume 82) in its series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. In this monograph, IARC concluded "there is sufficient evidence in experimental animals for the carcinogenicity of 1-hydroxyanthraquinone."

Pursuant to state law IARC's designation of 1-hydroxyanthraquinone as an animal carcinogen means that "1-hydroxyanthraquinone" must be included on the Proposition 65 list (Labor Code sections 6382(b)(1) and (d)). Therefore, OEHHA proposes to add "1-hydroxyanthraquinone" to the Proposition 65 list of chemicals known to cause cancer. Anyone wishing to provide comments as to whether 1-hydroxyanthraquinone meets the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a), by reference to Labor Code sections 6382(b)(1) and (d), should send written comments in triplicate, along with any supporting documentations, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation by transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on January 10, 2005.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW (Gov. Code Sec. 11349.3) OAL File No. 04-1005-04 S

DECISION OF DISAPPROVAL OF REGULATORY ACTION

In re:

**AGENCY: CALIFORNIA COMMISSION ON
TEACHER CREDENTIALING**

**ACTION: Amend section 80049 and repeal sections
80632, 80632.1, 80632.2, 80632.3, 80632.4, and
80632.5, of title 5 of the California Code of
Regulations**

DECISION SUMMARY

This regulatory action proposes to repeal the general requirements for approval of professional preparation programs at California institutions of higher education designed to prepare candidates for the Services Credential with a Specialization in Pupil Personnel Services (school counselors, school social workers, school psychologists, and school child welfare and attendance providers), as well as amend the standards for candidates who complete a comparable professional preparation program at an institution of higher education outside California.

The California Commission on Teacher Credentialing (Commission) submitted this regulatory action to the Office of Administrative Law (OAL) on October 5, 2004. On November 18, 2004, OAL notified the Commission that the regulations were disapproved because the regulations failed to comply with the Clarity standard contained in Government Code section 11349.1, and the rulemaking record did not contain a summary and adequate response to each comment received regarding the proposed regulatory action.

DATE: November 29, 2004

DEBRA M. CORNEZ
Senior Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original: Sam W. Swofford, Ed.D., Executive Officer

cc: Lawrence H. Madkins., Jr., Chair
California Commission on
Teacher Credentialing
Dr. Joseph Dear

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

CALIFORNIA EXPOSITION AND STATE FAIR Conflict of Interest Code

The California Exposition and State Fair is amending their conflict of interest code found at title 2, division 8, chapter 29, section 50000, The aforementioned amendments were approved for filing by the Fair Political Practices Commission on September 22, 2004.

Title 2
California Code of Regulations
AMEND: Div. 8, Ch. 29, Sec. 50000
Filed 11/30/04
Effective 12/30/04
Agency Contact:
Susan Vellutini (916) 263-3029

CALIFORNIA HORSE RACING BOARD Postmortem Examination

The regulatory action deals with postmortem examinations of horses which have had a fatal injury on the racetrack in training or in competition, or which died or were euthanized within an area under the jurisdiction of the California Horse Racing Board.

Title 4
California Code of Regulations
AMEND: 1846.5

Filed 11/29/04
Effective 12/29/04
Agency Contact:
Harold Coburn (916) 263-6397

DEPARTMENT OF DEVELOPMENTAL
SERVICES

Habilitation Transfer

This emergency regulatory action implements AB 1753 (Chapter 226, Statutes of 2003) which transfers administrative responsibility for the Habilitation Services Program (HSP) from the Department of Rehabilitation to the Department of Developmental Services. (Previous OAL file # 04-0712-01E)

Title 17
California Code of Regulations
ADOPT: 54351, 58800, 58810, 58811, 58812
AMEND: 54302, 54310, 54320, 54370
Filed 11/29/04
Effective 11/29/04
Agency Contact:
Andrea Fishback (805) 560-8149

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This filing is a certificate of compliance for an emergency regulatory action which established approximately 91 square miles surrounding an infestation in the Santa Ana area of Orange County as an area under quarantine for Oriental fruit fly.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 11/29/04
Effective 11/29/04
Agency Contact: Stephen Brown (916) 654-1017

STATE ALLOCATION BOARD

State School Deferred Maintenance Program—Lead

In this regulatory action, the State Allocation Board amends regulations relating to its State School Deferred Maintenance Program, a program which provides State matching funds to assist school districts with expenditures for major repair or replacement of existing school building components.

Title 2
California Code of Regulations
AMEND: 1866, 1866.1, 1866.2, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.5, 1866.5.1, 1866.7, 1866.13
Filed 11/24/04
Effective 11/24/04
Agency Contact: Lisa Jones (916) 322-1043

STATE WATER RESOURCES CONTROL BOARD
Underground Storage Tanks—Interstitial Liquid
Level Measurement

In this emergency readoption regulatory action, the State Water Resources Control Board amends its underground storage tank regulations to add a definition of the term “Interstitial Liquid Level Measurement” Method (as used in Health and Safety Code section 25290.1) or “Hydrostatic Monitoring” Method.

Title 23
California Code of Regulations
AMEND: 2611
Filed 11/29/04
Effective 11/29/04
Agency Contact: Raed Mahdi (916) 341-5871

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JULY 14, 2004
TO DECEMBER 1, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

10/13/04 ADOPT: 1015, 1019, 1048, 1050
AMEND: 1000, 1002, 1004, 1006, 1008, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1027, 1028, 1030, 1032, 1034, 1038, 1040, 1042, 1044, 1046
08/12/04 ADOPT: 1396 AMEND: 1314, 1321, 1323, 1324, 1334, 1354, 1390, 1392, REPEAL: 1332

Title 2

11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000
11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.5, 1866.5.1, 1866.7, 1866.13
11/22/04 AMEND: 58700
11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5, 561.6, 561.7, 561.8, 561.9, 561.10, 561.11, 561.12, 561.13, 561.14
11/10/04 ADOPT: 1859.163.1, 1859.163.2, 1859.163.3, 1859.164.2, 1859.167.1
AMEND: 1859.2, 1859.145, 1859.145.1, 189.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171
11/09/04 AMEND: 18530.8
11/04/04 AMEND: 1859.71.2, 1859.78.4

11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2,
1859.73.1, 1859.81, 1859.83 1859.90,
1859.120, 1859.121, 1859.122,
1859.122.1, 1859.122.2, 1859.123,
1859.124, 1859.124.1, 1859.125,
1859.125.1, 1859.126, 1859.127,
1859.129, 1859.130
11/02/04 AMEND: 1859.51, 1859.105
10/26/04 ADOPT: 18361.1, 18361.2, 18361.3,
18361.4, 18361.5, 18361.6, 18361.7,
18361.8, AMEND: 18361.5, 18406,
18450.4, 18702.2, 18702.5, 18740,
18747, 18754, 18951 REPEAL: 18361
09/29/04 ADOPT: 20107
09/23/04 ADOPT: 588, 588.1, 588.2, 588.3, 588.4,
588.5, 588.6, 588.7, 588.8, 588.9,
588.10
09/23/04 AMEND: 18401, 18421.1
09/15/04 ADOPT: 599.511 AMEND: 599.500(t)
09/10/04 AMEND: 54300
09/09/04 AMEND: 18704.2
08/31/04 ADOPT: 599.517
08/20/04 ADOPT: 586, 586.1, 586.2
08/10/04 ADOPT: 1896, 1896.2, 1896.4, 1896.6,
1896.10, 1896.12, 1896.14, 1896.16,
1896.18, 1896.20, 1896.22 REPEAL:
1896, 1896.2, 1896.4, 1896.6, 1896.8,
1896.10, 1896.12, 1896.14, 1896.16,
1896.18, 1896.20
08/09/04 ADOPT: 1859.77.3 AMEND: 1859.2,
1859.77.2
08/09/04 AMEND: 599.508
08/04/04 AMEND: 599.515(e)
07/30/04 ADOPT: 18531.10
07/28/04 ADOPT: 1172.90, 1172.92
07/27/04 AMEND: 18404.1
07/26/04 ADOPT: 18530.9 AMEND: 18531.5
07/22/04 ADOPT: 1859.51.1, 1859.70.2 AMEND:
1859.2, 1859.51, 1859.70, 1859.103

Title 3

11/29/04 AMEND: 3423(b)
11/17/04 AMEND: 1703.3
11/16/04 AMEND: Subchapter 1.1
11/10/04 AMEND: 3601(g)
11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000, REPEAL: 6450,
6450.1, 6450.2, 6250.3, 6784
10/25/04 AMEND: 3700(c)
10/14/04 AMEND: 3423(b)
10/13/04 AMEND: 3700(b)
10/06/04 AMEND: 3877(a), 3883, 3885(a)(b),
4603(f) REPEAL: 3902
10/06/04 ADOPT: 2042, 2100, 2101, 2102
10/04/04 AMEND: 1280.2
09/22/04 AMEND: 3430(b)
09/20/04 AMEND: 3700

09/09/04 AMEND: 6502
09/08/04 AMEND: 3423(b)
09/08/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
09/02/04 AMEND: 3700(b)(c)
08/19/04 AMEND: 3700(c)
08/10/04 ADOPT: 1472.8 AMEND: 1472.5
08/05/04 AMEND: 3962(a)

Title 4

11/29/04 AMEND: 1846.5
11/23/04 ADOPT: 2444 AMEND: 2241, 2242,
2243, 2245, 2250, 2270, 2271, 2272,
2300, 2401, 2422, 2423, 2424, 2425,
2426, 2441, 2442, 2443, 2505, 2507,
2511, 2512
11/08/04 ADOPT: 12360, 12370
10/18/04 ADOPT: 12270, 12271, 12272
10/14/04 AMEND: 1402, 1471, 2056, 2101, 2102,
2103
10/13/04 AMEND: 1371
09/23/04 ADOPT: 144
09/20/04 AMEND: 12101, 12122, 12250
08/17/04 ADOPT: 12400, 12401, 12402, 12403,
12404, 12405, 12406
07/19/04 ADOPT: 10163, 10164 AMEND: 10152,
10153, 10154, 10155, 10156, 10157,
10158, 10159, 10160, 10161, 10162
07/19/04 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337 AMEND: 10325(b), 10325(B)(1),
10325(c)(2)(B), 10325(c)(12),
10325(d)(1)
07/19/04 ADOPT: 4147, 4148

Title 5

11/16/04 ADOPT: 80089.3, 80089.4
11/15/04 ADOPT: 6116, 6126 AMEND: 6100,
6115, 6125
11/09/04 ADOPT: 14105
11/04/04 AMEND: 11981, 11985
11/02/04 AMEND: 58311, 58316
09/30/04 ADOPT: 19814.1, 19832, 19833, 19834,
19835, 19837, 19837 AMEND: 19814
09/22/04 AMEND: 11530
09/14/04 AMEND: 58310, 58312, 58314
09/08/04 ADOPT: 58139
09/03/04 AMEND: 40000, 40050, 40650, 40900,
41302, 41304, 41901.5, 42501, 43000
09/02/04 ADOPT: 40402.1, 40405, 40405.1,
40405.2, 40405.3, 40405.4, 40901,
41301, 41906, 41910, 42728. AMEND:
40500, 40501, 40503, 40505, 40506,
41600, 41601, 42395, 42705, 43600,

43601, 43602, 43603, 43604, 43660,
43661, 43662, 43663, 43664, 43665,
43666
08/09/04 AMEND: 590, 591, 592, 593, 594, 595,
596
07/30/04 ADOPT: 58317
07/19/04 ADOPT: 40530, 40531, 40532 AMEND:
40651, 40803, 40803.1

Title 8

11/09/04 AMEND: 6777
11/03/04 AMEND: 15220, 15220.1, 15220.3,
15220.4
11/03/04 AMEND: 1541(l)(1)
11/01/04 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14
10/19/04 ADOPT: 16421, 16422, 16423, 16424
AMEND: 16425, 16426, 16427, 16428,
16429, 16431, 16432, 16433, 16434,
16435, 16436, 16437, 16438, 16439
REPEAL: 16430, 16435.5
10/07/04 AMEND: 3456
10/07/04 AMEND: 5144
10/06/04 AMEND: 344.30
10/04/04 AMEND: 5155
10/04/04 ADOPT: 10202, 10102.1, 10203.1,
10203.2 AMEND: 10200, 10201, 10203,
10204
10/01/04 ADOPT: 3241.1
10/01/04 AMEND: 5155
09/30/04 AMEND: 3381
08/30/04 ADOPT: 32032, 32033, 32034, 32035,
81000, 81005, 81010, 81020, 81030,
81040, 81050, 81055, 81060, 81065,
81070, 81075, 81080, 81090, 81100,
81105, 81110, 81115, 81120, 81125,
81130, 81135, 81140, 81145, 81150,
81155, 81160, 81165, 81170, 81175,
81180, 81
08/27/04 AMEND: 3657
08/26/04 AMEND: 3427
08/02/04 AMEND: 6283(a)
07/29/04 ADOPT: 232.01, 232.02, 232.03, 232.04,
232.05, 232.06, 232.07, 232.08, 232.09,
232.10, 232.11, 232.12, 232.20, 232.21,
232.22, 232.23, 232.24, 232.25, 232.26,
232.27, 232.28, 232.29, 232.30, 232.31,
232.32, 232.33, 232.34, 232.35, 232.36,
232.37, 232.40,
07/20/04 AMEND: 5147

Title 9

10/28/04 AMEND: 9525
09/01/04 ADOPT: 9807, 9822, 9834, 9836
AMEND: 9800, 9802, 9878 REPEAL:
9830, 9834, 9836

Title 10

11/19/04 ADOPT: 2361
10/27/04 AMEND: 260.102.14
10/26/04 AMEND: 2498.4.9, 2498.5
10/04/04 AMEND: 2632.13(e)
09/22/04 AMEND: 2731
09/16/04 AMEND: 2318.6, 2353.1
09/15/04 AMEND: 2695.8(b)
09/01/04 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2697.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42
08/31/04 ADOPT: 2698.95
08/26/04 AMEND: 2498.3
08/26/04 AMEND: 2498.5
08/26/04 AMEND: 2498.5
08/25/04 ADOPT: 2498.4.9 REPEAL: 2400, 2401,
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